# JOURNAL

OF THE

# House of Representatives.

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TUESDAY, JANUARY 2, 1906.

At a General Assembly of the Commonwealth of Kentucky, began and held at the capitol in the city of Frankfort on Tuesday, the second day of January, in the year of our Lord, one thousand nine hundred and six, and the one hundred and fourteenth year of the Commonwealth, that being the day fixed by the Constitution for the meeting thereof, James E. Stone, chief clerk of the House of Representatives of the last General Assembly, called the House of Representatives to order, and after prayer by Rev. M. B. Adams, pastor of the Baptist church at Frankfort, Kentucky, produced and read the following certificate from the Secretary of State, viz.:

COMMONWEALTH OF KENTUCKY,
OFFICE OF SECRETARY OF STATE, FRANKFORT.

I, H. V. McChesney, Secretary of State of the Commonwealth of Kentucky, hereby certify that the following-named persons were at the regular election on the 7th day of November, 1905, duly elected as members of the House of Representatives of the General Assembly of the Commonwealth of Kentucky, for their respective districts, as appears from certificates of election on file in my office, to-wit:

From the counties of Adair and Cumberland—W. H. Cole.

From the county of Allen—H. H. Griffin.

From the county of Anderson—C. M. Paynter.

From the counties of Ballard and Carlisle—W. T. White.

From the county of Barren—C. C. Terry.

From the counties of Bath and Rowan—Will A. Young.

From the counties of Bell, Harlan, Leslie and Perry—Joe F. Bosworth.

From the county of Boone—J. C. Byland.

From the county of Bourbon—J. Hal Woodford.

From the counties of Boyd and Lawrence—B. O. Becker.

From the county of Boyle—W. Reed Embry.

From the county of Bracken—T. A. Weldon.

From the counties of Breathitt, Lee and Magoffin—John C. Griffith.

From the county of Breckinridge—E. H. Shellman.

From the counties of Bullitt and Spencer—Ed. Croan.

From the counties of Butler and Edmonson—V. W. Morris.

From the county of Caldwell—W. H. Jones.

From the county of Calloway—Zeb. A. Stewart.

From the county of Campbell—Harry Weitkamp.

From the city of Newport—Lawrence J. Diskin.

From the counties of Carroll and Gallatin—Paul Gullion.

From the counties of Carter and Elliott—M. M. Redwine.

From the counties of Casey and Russell—D. C. Hopper.

From the county of Christian—W. H. Southall.

From the county of Clark—Hub. L. Stevens.

From the counties of Clay, Jackson and Owsley—Taylor P. Gabbard.

From the counties of Clinton and Wayne—A. L. Denny.

From the counties of Crittenden and Livingston—M. Bennett Clark.

From the county of Dawiess—Henry G. Overstreet.

From the city of Owensboro—H. K. Cole.

From the counties of Estill and Powell—Albert Hamilton.
From the county of Fayette—A. J. Gorham.
From the city of Lexington—W. F. Klair.
From the county of Fleming—William M. Wilt.
From the counties of Floyd, Knott and Letcher—J. B. Wicker.
From the county of Franklin—L. F. Johnson.
From the counties of Fulton and Hickman—W. J. Jackson.
From the county of Garrard—Sam D. Cochran.
From the county of Grant—J. T. Scott.
From the county of Graves—John R. Ray.
From the county of Grayson—Geo. D. Litsey.
From the counties of Green and Taylor—J. M. Mitchell.
From the county of Greenup—C. W. G. Hannah.
From the county of Hancock—Peter Best, Jr.
From the county of Hardin—Henry C. Miller.
From the county of Harrison—Roger P. Blair.
From the county of Hart—Henry W. Curle.
From the county of Henderson—J. T. Wilson.
From the county of Henry—H. Kirby Bourne.
From the county of Hopkins—Munnell Wilson.
From the county of Jessamine—Harry M. McCarty.
From the county of Jefferson—Lloyd Gates.
From the city of Louisville, 45th District—W. W. Smith.
From the city of Louisville, 46th District—Chris. Mueller.
From the city of Louisville, 47th District—James A. Hagan.
From the city of Louisville, 48th District—Emmett P. Slattery.
From the city of Louisville, 49th District—Ion B. Nall.
From the city of Louisville, 50th District—W. G. Baxter.
From the city of Louisville, 51st District—Thomas Drewry.
From the counties of Johnson and Martin—W. T. Cain.
From the county of Kenton—R. C. Simmons.
From the city of Covington, 81st District—M. H. McLean.
From the city of Covington, 82d District—Louis W. Arnett.

From the counties of Knox and Whitley—Richard S. Rose.
From the county of Larue—Robert Enlow.
From the counties of Laurel and Rockcastle—James G. Yaden.
From the county of Lewis—W. C. Halbert.
From the county of Lincoln—J. M. Alverson.
From the county of Logan—Charles I. Dawson.
From the counties of Lyon and Marshall—E. Barry.
From the county of Madison—R. W. Miller.
From the county of Marion—John Barr.
From the county of Mason—Virgil McKnight.
From the county of McCracken—L. P. Head.
From the county of McLean—J. A. Stevens.
From the county of Meade—A. J. Thompson.
From the county of Mercer—J. T. Royalty.
From the counties of Metcalfe and Monroe—J. A. Yates.
From the counties of Morgan and Wolfe—Henry M. Cox.
From the counties of Montgomery and Menifee—J. W. Clay.
From the county of Muhlenberg—D. P. Taggart.
From the county of Nelson—B. P. Grigsby, Sr.
From the counties of Nicholas and Robertson—W. J. Osborne.
From the county of Ohio—Charles C. Beard.
From the counties of Oldham and Trimble—James S. Morris.
From the county of Owen—C. F. Thornton.
From the county of Pendleton—N. B. Chipman.
From the county of Pike—Moses B. Campbell.
From the county of Pulaski—M. T. Freeman.
From the county of Scott—J. H. Hamon.
From the county of Shelby—J. A. Frazier.
From the county of Simpson—W. J. Gooch.
From the county of Todd—S. M. Russell.
From the county of Trigg—Henry R. Lawrence.
From the county of Union—George Wilson.
From the county of Warren, 1st District—W. T. Wright.

From the city of Bowling Green—J. M. Robertson.
From the county of Washington—W. D. Claybrooke.
From the county of Webster—George W. Stone.
From the county of Woodford—Ed. Mulcahy.
Witness my hand and seal this December 29, 1905.

H. V. McCHESNEY,
Secretary of State.

The roll of members was called, and the following answered to their names, viz.:

J. M. Alverson,
Louis W. Arnett,
John Barr,
E. Barry,
W. G. Baxter,
Charles C. Beard,
B. O. Becker,
Peter Best, Jr.,
Roger P. Blair,
Joe F. Bosworth,
H. Kirby Bourne,
J. C. Byland,
W. T. Cain,
M. F. Campbell,
N. B. Chipman,
Bennett Clarke,
J. W. Clay,
W. D. Claybrooke,
Sam. D. Cochran,
H. K. Cole,
W. H. Cole,
Henry M. Cox,
Ed. Croan,
Henry W. Curle,
Charles I. Dawson,
A. L. Denny,
Lawrence J. Diskin,
Thomas Drewry,
Lloyd W. Gates,
W. J. Gooch,
A. J. Gorham,
H. H. Griffin,
John C. Griffith,
B. P. Grigsby, Sr.,
Paul Gullion,
James A. Hagan,
W. C. Halbert,
Albert Hamilton,
J. A. Hamon,
C. W. G. Hannah,
L. P. Head,
D. C. Hopper,
W. J. Jackson,
L. F. Johnson,
W. H. Jones,
Wm. F. Klair,
Henry R. Lawrence,
Geo. D. Litsey,
H. M. McCarty,
Virgil McKnight,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
Chris Mueller,
J. M. Mitchell,
V. W. Morris,
C. M. Paynter,
John R. Ray,
M. M. Redwine,
Richard S. Rose,
J. T. Royalty,
S. M. Russell,
J. T. Scott,
Ed. H. Shellman,
R. C. Simmons,
Emmet P. Slattery,
W. W. Smith,
W. H. Southall,
Hub L. Stevens,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
D. P. Taggart,
C. C. Terry,
A. J. Thompson,
C. F. Thornton,
Harry Weitkamp,
T. A. Weldon,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson,
Wm. Wilt,

W. Reed Embry, James S. Morris, J. Hal Woodford,
Robert Enlow, Ed. Mulcahy, James C. Yaden,
J. A. Frazier, Ion B. Nall, J. A. Yates,
M. T. Freeman, W. J. Osborne, Will A. Young—98.
Taylor P. Gabbard, Henry G. Overstreet,

All of the last above-named members appeared at the clerk's desk and the oath of office, as required by law, was administered by Hon. James H. Polsgrove, judge of the county court within and for Franklin county.

The chief clerk then announced that the election of Speaker of the House of Representatives was in order.

Mr. Gooch named Hon. Henry R. Lawrence, of the county of Trigg, as a suitable person to fill said office.

Mr. Halbert named Hon. H. K. Cole, of the county of Daviess, as a suitable person to fill said office.

The vote being taken between those named, resulted as follows, viz.:

Those who voted for Mr. Lawrence were—

J. M. Alverson, W. J. Gooch, John R. Ray,
Louis W. Arnett, A. J. Gorham, M. M. Redwine,
John Barr, B. P. Grigsby, Sr., J. T. Royalty,
E. Barry, Paul Gullion, S. M. Russell,
W. G. Baxter, James A. Hagan, J. T. Scott,
Peter Best, Jr., J. A. Hamon, Ed. H. Shellman,
Roger P. Blair, L. P. Head, R. C. Simmons,
H. Kirby Bourne, W. J. Jackson, Emmet P. Slattery,
J. C. Byland, L. F. Johnson, W. H. Southall,
N. B. Chipman, Wm. F. Klair, Hub L. Stevens,
J. W. Clay, Geo. D. Litsey, John A. Stevens,
W. D. Claybrooke, H. M. McCarty, Zeb. A. Stewart,
Sam. D. Cochran, Virgil McKnight, George W. Stone,
H. K. Cole, M. H. McLean, C. C. Terry,
Henry M. Cox, Henry C. Miller, A. J. Thompson,

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| Ed. Croan, | R. W. Miller, | C. F. Thornton, |
| Henry W. Curle, | Chris Mueller, | T. A. Weldon, |
| Charles I. Dawson, | J. M. Mitchell, | W. T. White, |
| Lawrence J. Diskin, | James S. Morris, | John B. Wicker, |
| Thomas Drewry, | Ed. Mulcahy, | Geo. S. Wilson, |
| W. Reed Embry, | Ion B. Nall, | J. T. Wilson, |
| Robert Enlow, | W. J. Osborne, | Munnell Wilson, |
| J. A. Frazier, | Henry G. Overstreet, | J. Hal Woodford, |
| Lloyd W. Gates, | C. M. Paynter, | J. A. Yates—72. |

Those who voted for Mr. Cole were—

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| Charles C. Beard, | Taylor P. Gabbard, | V. W. Morris, |
| B. O. Becker, | H. H. Griffin, | Richard S. Rose, |
| Joe F. Bosworth, | John C. Griffith, | W. W. Smith, |
| W. T. Cain, | W. C. Halbert, | D. P. Taggart, |
| M. F. Campbell, | Albert Hamilton, | Harry Weitkamp, |
| Bennett Clarke, | C. W. G. Hannah, | Wm. Wilt, |
| W. H. Cole, | D. C. Hopper, | W. T. Wright, |
| A. L. Denny, | W. H. Jones, | James C. Yaden—26. |
| M. T. Freeman, | Henry R. Lawrence, | |

Mr. Lawrence having received a majority of the votes cast, was, by the said chief clerk, James E. Stone, declared duly elected Speaker of the House of Representatices.

Messrs. R. W. Miller, W. J. Gooch and H. K. Cole were appointed a committee to inform the Speaker-elect of his election and escort him to the chair.

After taking the oath of office as required by law, the Speaker returned his thanks to the House for the honor conferred, and announced the next business in order was the election of chief clerk of the House.

Mr. Gooch named Jas. E. Stone, of Breckinridge county, as a suitable person to fill such position.

Mr. Halbert named Mr. J. W. Logan, of Bell county, as a suitable person to fill such position.

The vote being taken between those named, resulted as follows, viz.:

Those who voted for Stone were—

J. M. Alverson,
Louis W. Arnett,
John Barr,
E. Barry,
W. G. Baxter,
Peter Best, Jr.,
Roger P. Blair,
H. Kirby Bourne,
J. C. Byland,
N. B. Chipman,
J. W. Clay,
W. D. Claybrooke,
Sam. D. Cochran,
Henry M. Cox,
Ed. Croan,
Henry W. Curle,
Charles I. Dawson,
Lawrence J. Diskin,
Thomas Drewry,
W. Reed Embry,
Robert Enlow,
J. A. Frazier,
Lloyd W. Gates,
W. J. Gooch,
A. J. Gorham,
B. P. Grigsby, Sr.,
Paul Gullion,
James A. Hagan,
J. A. Hamon,
L. P. Head,
W. J. Jackson,
L. F. Johnson,
Wm. F. Klair,
Henry R. Lawrence,
Geo. D. Litsey,
H. M. McCarty,
Virgil McKnight,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
Chris Mueller,
J. M. Mitchell,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
John R. Ray,
M. M. Redwine,
J. T. Royalty,
S. M. Russell,
J. T. Scott,
Ed. H. Shellman,
R. C. Simmons,
Emmet P. Slattery,
W. H. Southall,
Hub L. Stevens,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
C. C. Terry,
A. J. Thompson,
C. F. Thornton,
T. A. Weldon,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson,
J. Hal Woodford,
Will A. Young—72.

Those who voted for Logan were—

Charles C. Beard,
B. O. Becker,
Joe F. Bosworth,
W. T. Cain,
M. F. Campbell,
Bennett Clarke,
H. K. Cole,
W. H. Cole,
A. L. Denny,
M. T. Freeman,
Taylor P. Gabbard,
H. H. Griffin,
John C. Griffith,
W. C. Halbert,
Albert Hamilton,
C. W. G. Hannah,
D. C. Hopper,
W. H. Jones,
V. W. Morris,
Richard S. Rose,
W. W. Smith,
D. P. Taggart,
Harry Weitkamp,
Wm. Wilt,
James C. Yaden,
J. A. Yates—26.

Mr. Stone having received a majority of the votes cast, was declared duly elected chief clerk of the House of Representatives, who thereupon took the oath of office as required by law, and assumed the duties of his office.

Mr. Johnson named Marion F. Pogue, of Crittenden county, as a suitable person to fill the office of assistant clerk of the House of Representatives.

Mr. Halbert named Roy A. Wilhoit, of Boyd county, as a suitable person to fill said office.

The vote being taken between those named, resulted as follows, viz.:

Those who voted for Pogue were—

J. M. Alverson,
Louis W. Arnett,
John Barr,
E. Barry,
W. G. Baxter,
Peter Best, Jr.,
Roger P. Blair,
H. Kirby Bourne,
J. C. Byland,
N. B. Chipman,
J. W. Clay,
W. D. Claybrooke,
Sam. D. Cochran,
Henry M. Cox,
Ed. Croan,
Henry W. Curle,
Charles I. Dawson,
Lawrence J. Diskin,
W. Reed Embry,
Robert Enlow,
J. A. Frazier,
Lloyd W. Gates,
W. J. Gooch,
A. J. Gorham,
B. P. Grigsby, Sr.,
Paul Gullion,
James A. Hagan,
J. A. Hamon,
L. P. Head,
W. J. Jackson,
L. F. Johnson,
Henry R. Lawrence,
Geo. D. Litsey,
H. M. McCarty,
Virgil McKnight,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
Chris Mueller,
J. M. Mitchell,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
John R. Ray,
M. M. Redwine,
J. T. Royalty,
S. M. Russell,
J. T. Scott,
Ed. H. Shellman,
R. C. Simmons,
Emmet P. Slattery,
W. H. Southall,
Hub L. Stevens,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
C. C. Terry,
A. J. Thompson,
C. F. Thornton,
T. A. Weldon,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson,
J. Hal Woodford,
Will A. Young—70.

Those who voted for Wilhoit were—

Charles C. Beard,
B. O. Becker,
Joe F. Bosworth,
W. T. Cain,
M. F. Campbell,
Bennett Clarke,
H. K. Cole,
W. H. Cole,
A. L. Denny,
M. T. Freeman,
Taylor P. Gabbard,
H. H. Griffin,
John C. Griffith,
W. C. Halbert,
Albert Hamilton,
C. W. G. Hannah,
D. C. Hopper,
W. H. Jones,
V. W. Morris,
Richard S. Rose,
W. W. Smith,
D. P. Taggart,
Wm. Wilt,
James C. Yaden,
J. A. Yates—25.

Mr. Pogue having received a majority of the votes cast, was declared duly elected assistant clerk of the House, who thereupon took the oath of his office.

Mr. Gooch named Miss Amy V. Lyons, of Jessamine, as a suitable person to fill the office of enrolling clerk of the House.

Mr. Halbert named Miss Sudy Castello, of Wayne county, as a suitable person to fill said position.

The vote being taken between the persons named, resulted as follows, viz.:

Those who voted for Miss Lyons were—

J. M. Alverson,
Louis W. Arnett,
John Barr,
E. Barry,
W. G. Baxter,
Peter Best, Jr.,
Roger P. Blair,
H. Kirby Bourne,
J. C. Byland,
N. B. Chipman,
J. W. Clay,
W. D. Claybrooke,
Sam. D. Cochran,
Henry M. Cox,
A. J. Gorham,
B. P. Grigsby, Sr.,
Paul Gullion,
James A. Hagan,
J. A. Hamon,
L. P. Head,
W. J. Jackson,
L. F. Johnson,
Henry R. Lawrence,
Geo. D. Litsey,
H. M. McCarty,
Virgil McKnight,
M. H. McLean,
Henry C. Miller,
M. M. Redwine,
J. T. Royalty,
S. M. Russell,
J. T. Scott,
Ed. H. Shellman,
R. C. Simmons,
Emmet P. Slattery,
W. H. Southall,
Hub L. Stevens,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
C. C. Terry,
A. J. Thompson,

Ed. Croan,
Henry W. Curle,
Charles I. Dawson,
Lawrence J. Diskin,
Thomas Drewry,
W. Reed Embry,
Robert Enlow,
J. A. Frazier,
Lloyd W. Gates,
W. J. Gooch,
R. W. Miller,
Chris Mueller,
J. M. Mitchell,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
John R. Ray,
C. F. Thornton,
T. A. Weldon,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson,
J. Hal Woodford,
Will A. Young—71.

Those who voted for Miss Costello were—

Charles C. Beard,
B. O. Becker,
W. T. Cain,
M. F. Campbell,
Bennett Clarke,
H. K. Cole,
W. H. Cole,
A. L. Denny,
M. T. Freeman,
Taylor P. Gabbard,
H. H. Griffin,
John C. Griffith,
W. C. Halbert,
Albert Hamilton,
C. W. G. Hannah,
D. C. Hopper,
W. H. Jones,
V. W. Morris,
Richard S. Rose,
W. W. Smith,
D. P. Taggart,
Harry Weitkamp,
Wm. Wilt,
James C. Yaden,
J. A. Yates—25.

Miss Lyons having received a majority of all the votes cast, was declared duly elected enrolling clerk of the House, who thereupon took the oath of office as required by law.

Mr. Gooch named C. W. Longmire, of the city of Lexington, as a suitable person to fill the position of sergeant-at-arms of the House.

Mr. Halbert named R. W. True, of Franklin county, as a suitable person to fill said office.

The vote being taken between the persons named, resulted as follows, viz.:

Those who voted for Longmire were—

J. M. Alverson,
Louis W. Arnett,
John Barr,
E. Barry,
W. G. Baxter,
Peter Best, Jr.,
Roger P. Blair,
H. Kirby Bourne,
J. C. Byland,
N. B. Chipman,
J. W. Clay,
W. D. Claybrooke,
Sam. D. Cochran,
Henry M. Cox,
Ed. Croan,
Henry W. Curle,
Charles I. Dawson,
Lawrence J. Diskin,
Thomas Drewry,
W. Reed Embry,
Robert Enlow,
J. A. Frazier,
Lloyd W. Gates,
W. J. Gooch,
A. J. Gorham,
B. P. Grigsby, Sr.,
Paul Gullion,
James A. Hagan,
J. A. Hamon,
L. P. Head,
W. J. Jackson,
L. F. Johnson,
Wm. F. Klair,
Henry R. Lawrence,
Geo. D. Litsey,
H. M. McCarty,
Virgil McKnight,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
Chris Mueller,
J. M. Mitchell,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
John R. Ray,
M. M. Redwine,
J. T. Royalty,
S. M. Russell,
J. T. Scott,
Ed. H. Shellman,
R. C. Simmons,
Emmet P. Slattery,
W. H. Southall,
Hub L. Stevens,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
C. C. Terry,
A. J. Thompson,
C. F. Thornton,
T. A. Weldon,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson,
J. Hal Woodford,
Will A. Young—72.

Those who voted for True were—

Charles C. Beard,
B. O. Becker,
Joe F. Bosworth,
W. T. Cain,
M. F. Campbell,
Bennett Clarke,
H. K. Cole,
W. H. Cole,
A. L. Denny,
M. T. Freeman,
Taylor P. Gabbard,
H. H. Griffin,
John C. Griffith,
W. C. Halbert,
Albert Hamilton,
C. W. G. Hannah,
D. C. Hopper,
W. H. Jones,
V. W. Morris,
Richard S. Rose,
W. W. Smith,
D. P. Taggart,
Harry Weitkamp,
Wm. Wilt,
James C. Yaden,
J. A. Yates—26.

Mr. Longmire having received a majority of the votes cast, was

declared duly elected sergeant-at-arms of the House, who thereupon took the office as required by law.

Mr. Gooch named C. O. Parish, of Bullitt county, as a proper person to fill the office of doorkeeper of the House.

Mr. Halbert named C. L. Tannhan, of Lewis county, as a proper person to fill said position.

The vote being taken between the persons named, resulted as follows, viz.:

Those who voted for Parish were—

J. M. Alverson,
Louis W. Arnett,
John Barr,
E. Barry,
W. G. Baxter,
Peter Best, Jr.,
Roger P. Blair,
H. Kirby Bourne,
J. C. Byland,
N. B. Chipman,
J. W. Clay,
W. D. Claybrooke,
Sam. D. Cochran,
Henry M. Cox,
Ed. Croan,
Henry W. Curle,
Charles I. Dawson,
Lawrence J. Diskin,
Thomas Drewry,
W. Reed Embry,
Robert Enlow,
J. A. Frazier,
Lloyd W. Gates,
W. J. Gooch,
A. J. Gorham,
B. P. Grigsby, Sr.,
Paul Gullion,
James A. Hagan,
J. A. Hamon,
W. J. Jackson,
L. F. Johnson,
Wm. F. Klair,
Henry R. Lawrence,
Geo. D. Litsey,
H. M. McCarty,
Virgil McKnight,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
Chris Mueller,
J. M. Mitchell,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
John R. Ray,
M. M. Redwine,
J. T. Royalty,
S. M. Russell,
J. T. Scott,
R. C. Simmons,
Emmet P. Slattery,
W. H. Southall,
Hub L. Stevens,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
C. C. Terry,
A. J. Thompson,
C. F. Thornton,
T. A. Weldon,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson,
J. Hal Woodford,
Will A. Young—70.

Those who voted for Tannahan were—

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|---|---|---|
| Charles C. Beard, | M. T. Freeman, | V. W. Morris, |
| B. O. Becker, | Taylor P. Gabbard, | Richard S. Rose, |
| Joe F. Bosworth, | H. H. Griffin, | W. W. Smith, |
| W. T. Cain, | John C. Griffith, | D. P. Taggart, |
| M. F. Campbell, | W. C. Halbert, | Harry Weitkamp, |
| Bennett Clarke, | Albert Hamilton, | Wm. Wilt, |
| H. K. Cole, | C. W. G. Hannah, | James C. Yaden, |
| W. H. Cole, | D. C. Hopper, | J. A. Yates—26. |
| A. L. Denny, | W. H. Jones, | |

Mr. Parish having received a majority of the votes cast, was declared duly elected doorkeeper of the House, and who thereupon took the oath of office as required by law.

Mr. Gooch named Chas. M. Parrish, of Clark county, as a suitable person to fill the position of Janitor.

Mr. Halbert named Guy Hambert, of Jefferson county, as a suitable person to fill said position.

The vote being taken between the persons named, resulted as follows, viz.:

Those who voted for Parrish were—

| | | |
|---|---|---|
| J. M. Alverson, | A. J. Gorham, | C. M. Paynter, |
| Louis W. Arnett, | B. P. Grigsby, Sr., | John R. Ray, |
| John Barr, | Paul Gullion, | M. M. Redwine, |
| E. Barry, | James A. Hagan, | J. T. Royalty, |
| W. G. Baxter, | J. A. Hamon, | S. M. Russell, |
| Peter Best, Jr., | L. P. Head, | Ed. H. Shellman, |
| Roger P. Blair, | W. J. Jackson, | Emmet P. Slattery, |
| H. Kirby Bourne, | L. F. Johnson, | W. H. Southall, |
| J. C. Byland, | Wm. F. Klair, | Hub L. Stevens, |
| N. B. Chipman, | Henry R. Lawrence, | John A. Stevens, |
| J. W. Clay, | Geo. D. Litsey, | Zeb. A. Stewart, |
| W. D. Claybrooke, | H. M. McCarty, | George W. Stone, |
| Sam. D. Cochran, | Virgil McKnight, | C. C. Terry, |
| Ed. Croan, | M. H. McLean, | A. J. Thompson, |

| | | |
|---|---|---|
| Henry W. Curle, | Henry C. Miller, | C. F. Thornton, |
| Charles I. Dawson, | R. W. Miller, | T. A. Weldon, |
| Lawrence J. Diskin, | Chris Mueller, | W. T. White, |
| Thomas Drewry, | J. M. Mitchell, | John B. Wicker, |
| W. Reed Embry, | James S. Morris, | Geo. S. Wilson, |
| Robert Enlow, | Ed. Mulcahy, | J. T. Wilson, |
| J. A. Frazier, | Ion B. Nall, | Munnell Wilson, |
| Lloyd W. Gates, | W. J. Osborne, | J. Hal Woodford, |
| W. J. Gooch, | Henry G. Overstreet, | Will A. Young—69. |

Those who voted for Hambert were—

| | | |
|---|---|---|
| Charles C. Beard, | M. T. Freeman, | V. W. Morris, |
| B. O. Becker, | H. H. Griffin, | Richard S. Rose, |
| Joe F. Bosworth, | John C. Griffith, | W. W. Smith, |
| W. T. Cain, | W. C. Halbert, | D. P. Taggart, |
| M. F. Campbell, | Albert Hamilton, | Harry Weitkamp, |
| Bennett Clarke, | C. W. G. Hannah, | Wm. Wilt, |
| H. K. Cole, | D. C. Hopper, | James C. Yaden, |
| W. H. Cole, | W. H. Jones, | J. A. Yates—24. |

Mr. Parish having received a majority of the votes cast, was declared duly elected janitor of the House, who thereupon took the oath of office as required by law, and entered upon the duties of his office.

Mr. Gooch named Guy Vinson, of Muhlenberg county, and Rebel Martin, of Knott county, as proper persons to fill the position of cloak-room keepers.

Mr. Halbert named David Hogan, of Lee county, as a suitable person to fill said office.

The vote being taken resulted as follows, viz.:

Those who voted for Vinson were—

| | | |
|---|---|---|
| J. M. Alverson, | A. J. Gorham, | John R. Ray, |
| Louis W. Arnett, | H. H. Griffin, | M. M. Redwine, |
| John Barr, | B. P. Grigsby, Sr., | J. T. Royalty, |
| E. Barry, | Paul Gullion, | S. M. Russell, |

W. G. Baxter,
Peter Best, Jr.,
Roger P. Blair,
Joe F. Bosworth,
H. Kirby Bourne,
J. C. Byland,
N. B. Chipman,
J. W. Clay,
W. D. Claybrooke,
Sam. D. Cochran,
Henry M. Cox,
Ed. Croan,
Henry W. Curle,
Charles I. Dawson,
Lawrence J. Diskin,
Thomas Drewry,
W. Reed Embry,
Robert Enlow,
J. A. Frazier,
Lloyd W. Gates,
W. J. Gooch,
James A. Hagan,
J. A. Hamon,
L. P. Head,
W. J. Jackson,
L. F. Johnson,
Wm. F. Klair,
Henry R. Lawrence,
Geo. D. Litsey,
H. M. McCarty,
Virgil McKnight,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
Chris Mueller,
J. M. Mitchell,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
Ed. H. Shellman,
R. C. Simmons,
Emmet P. Slattery,
W. H. Southall,
Hub L. Stevens,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
D. P. Taggart,
C. C. Terry,
A. J. Thompson,
C. F. Thornton,
T. A. Weldon,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson,
J. Hal Woodford,
Will A. Young—74.

Those who voted for Martin were—

J. M. Alverson,
Louis W. Arnett,
John Barr,
E. Barry,
W. G. Baxter,
Peter Best, Jr.,
Roger P. Blair,
H. Kirby Bourne,
J. C. Byland,
N. B. Chipman,
J. W. Clay,
W. D. Claybrooke,
Sam. D. Cochran,
Henry M. Cox,
Ed. Croan,
Henry W. Curle,
A. J. Gorham,
B. P. Grigsby, Sr.,
Paul Gullion,
James A. Hagan,
J. A. Hamon,
L. P. Head,
W. J. Jackson,
L. F. Johnson,
Wm. F. Klair,
Henry R. Lawrence,
Geo. D. Litsey,
H. M. McCarty,
Virgil McKnight,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
John R. Ray,
M. M. Redwine,
J. T. Royalty,
S. M. Russell,
Ed. H. Shellman,
R. C. Simmons,
Emmet P. Slattery,
W. H. Southall,
Hub L. Stevens,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
C. C. Terry,
A. J. Thompson,
C. F. Thornton,
T. A. Weldon,

Charles I. Dawson,
Lawrence J. Diskin,
Thomas Drewry,
W. Reed Embry,
Robert Enlow,
J. A. Frazier,
Lloyd W. Gates,
W. J. Gooch,
Chris Mueller,
J. M. Mitchell,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson,
J. Hal Woodford,
Will A. Young—71.

Those who voted for Hogan were—

Charles C. Beard,
B. O. Becker,
Joe F. Bosworth,
W. T. Cain,
M. F. Campbell,
Bennett Clarke,
H. K. Cole,
W. H. Cole,
A. L. Denny,
M. T. Freeman,
Taylor P. Gabbard,
H. H. Griffin,
John C. Griffith,
W. C. Halbert,
Albert Hamilton,
C. W. G. Hannah,
D. C. Hopper,
W. H. Jones,
Richard S. Rose,
W. W. Smith,
D. P. Taggart,
Harry Weitkamp,
Wm. Wilt,
James C. Yaden,
J. A. Yates—25.

Messrs. Vinson and Martin having received a majority of the votes cast, were declared duly elected to position of cloak-room keepers, of the House, who thereupon took the oath of office.

Mr. Gooch named Dudley Ragsdale, of Washington county; Herbert Crader, of Jefferson county; John C. Miller, of Union, and Geo. E. Shellman, of Breckinridge county, as suitable persons for pages of the House.

Mr. Halbert named Price Chandler, of Owsley county; Chas. Smith, of Jefferson county; Terry Jones, of Caldwell county, and Walter Kirk, of Martin county, as suitable persons for said position.

The vote being taken resulted as follows, viz.:

Those who voted for Ragsdale, Miller, Shellman and Crader were—

J. M. Alverson,
Louis W. Arnett,
John Barr,
E. Barry,
W. G. Baxter,
Peter Best, Jr.,
Roger P. Blair,
H. Kirby Bourne,
J. C. Byland,
N. B. Chipman,
J. W. Clay,
W. D. Claybrooke,
Sam. D. Cochran,
Henry M. Cox,
Ed. Croan,
Henry W. Curle,
Charles I. Dawson,
Lawrence J. Diskin,
Thomas Drewry,
W. Reed Embry,
Robert Enlow,
J. A. Frazier,
Lloyd W. Gates,
W. J. Gooch,
A. J. Gorham,
B. P. Grigsby, Sr.,
Paul Gullion,
James A. Hagan,
J. A. Hamon,
L. P. Head,
W. J. Jackson,
L. F. Johnson,
Wm. F. Klair,
Henry R. Lawrence,
Geo. D. Litsey,
H. M. McCarty,
Virgil McKnight,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
Chris Mueller,
J. M. Mitchell,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
John R. Ray,
M. M. Redwine,
J. T. Royalty,
S. M. Russell,
J. T. Scott,
Ed. H. Shellman,
R. C. Simmons,
Emmet P. Slattery,
W. H. Southall,
Hub L. Stevens,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
C. C. Terry,
A. J. Thompson,
C. F. Thornton,
T. A. Weldon,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson,
J. Hal Woodford,
Will A. Young—72.

Those who voted for Chandler, Smith, Jones and Kirk were—

Charles C. Beard,
B. O. Becker,
Joe F. Bosworth,
W. T. Cain,
M. F. Campbell,
Bennett Clarke,
H. K. Cole,
W. H. Cole,
A. L. Denny,
M. T. Freeman,
Taylor P. Gabbard,
H. H. Griffin,
John C. Griffith,
W. C. Halbert,
Albert Hamilton,
C. W. G. Hannah,
D. C. Hopper,
W. H. Jones,
V. W. Morris,
Richard S. Rose,
W. W. Smith,
D. P. Taggart,
Harry Weitkamp,
Wm. Wilt,
James C. Yaden,
J. A. Yates—26.

Messrs. Crader, Shellman, Miller and Ragsdale having received a majority of the votes cast, were declared duly elected to the offices

of pages of the House, who thereupon took the oath of office as required by law.

Mr. R. W. Miller moved that a committee of three members be appointed by the Speaker to notify the Senate that this House is now organized and ready to proceed to the business of the General Assembly, and ask the appointment of a like committee on the part of the Senate to act in conjunction with said committee to wait upon the Governor and inform him that the General Assembly is now organized and ready to receive any communication he may desire to make to them.

The Speaker appointed as said committee, Messrs. R. W. Miller, J. T. Wilson and Cox, who retired, and, after a time, returned and reported that they had discharged that duty.

A message in writing was received from the Governor by Edw. O. Leigh, private secretary, which was received and read as follows, viz.:

COMMONWEALTH OF KENTUCKY,
EXECUTIVE DEPATRMENT
Frankfort, Ky., January 2, 1906.

*To the Senate and House of Representatives:*

GENTLEMEN:—The opportunity is presented to you in your work for the next sixty days to render good and substantial service to the people who have honored you, and in performing a constitutional duty it shall be my pleasure to aid you to the extent of my official power in fulfilling the reasonable expectations of those whose servants we are. They deserve much from us, and while your commission from them may be more recent than that of the Executive, your sense of obligation to them can be no deeper than is his; and by harmonious action from both, there is no doubt but that the Commonwealth may be materially benefited. The responsibility, however, for the present is di-

rectly upon you; the success or failure of your work must be accounted for by you and not by any other co-ordinate branch of the government. You have the double duty to perform, first, to investigate and consider the condition of your State government, and, second, to improve and better by wise legislation wherever possible that condition.

It is important and essential to the success of your work, in consideration of the limited time upon your session, that you as promptly and quickly as possible acquaint yourselves with the conditions of all the departments of the State government and its various public institutions. Elaborate reports are before you from the heads of all these departments and institutions, and I urge upon you a most careful examination of them and also such investigations as you can make through your committees or otherwise.

It is gratifying to me to be able to assure you that upon the whole, the affairs of our State and its government are in excellent condition; our people are contented and prospering; more than ever before they seem now to appreciate the rich natural resources of the State, and are making wonderful progress in material development. No State in the Union offers a more inviting and remunerative field for the investment of capital, and while our doors are closed to an undesirable class of immigrants, the State has a cordial and profitable welcome to the worthy and industrious home-seeker from whatever land he may come. The laws, with the exception of a few instances, have been rigidly enforced, and the assurance has been established abroad that life, liberty and property are as safely protected in Kentucky as they are in any other State. But it is an idle waste of time to boast of what has been done, when we are face to face in a progressive age like this with the opportunity of doing so much better. To the full extent that you may have such opportunity of improving the condition of the State I trust you will take advantage of it, and that at the close of

the session the summary of your work will show to the people that discretion, wisdom, and patriotism have controlled you in all of your official actions.

I shall, therefore, in compliance with the provision in the Constitution, submit to you, with as much brevity as possible, a review of the public affairs, with such suggestions for your action as seem advisable to me.

## FISCAL AFFAIRS.

I must first call your attention to the financial condition of the government and ask that you most carefully consider it. I wish to be plain in reviewing it for you, and shall endeavor to do it in such a way as to bring about a perfectly frank and advantageous understanding between the department which you represent and the one which I represent. I ask your patient consideration with me of the financial record for several years that you may the more clearly understand the situation at present. In 1897 the General Assembly borrowed $500,000, making the total bonded indebtedness of the State $1,000,000, and increased the tax rate from 42½ cents on the hundred dollars to 52½ cents, but provided that at the end of three years (1900) the rate should drop back to 47½ cents. The latter was the rate, therefore, by automatic action of the law, when the present Executive came into office, February 3, 1900, and remained the rate for two years, when the General Assembly (1902) raised it to 50 cents, which is the present rate. That rate is apportioned as follows: To schools, including the State College, 27 cents; to general expenditure fund, 21 cents; to the sinking fund, 2 cents.

Kentucky is probably the most generous of all the States in the proportion of her revenues which she gives to educational purposes, the above figures showing that considerably over half is given to that cause. Practically the only demand upon the sinking fund now is the payment of interest on perpetual

school bonds, so that by a comparison of the above figures it appears that the State gives to schools 29 cents and only 21 cents is used for all the administrative purposes of the government and its institutions, including the executive, legislative and judicial departments. I doubt if there is a county in the State that conducts its county affairs on so low a rate. In view of the heavy burdens placed upon that fund by the last two regular sessions of the General Assembly, the rate is insufficient, and you must devise means to obviate a probable deficit, particularly so if it is your purpose to make other appropriations of public funds during this session. It is out of the question for a State, as well as for an individual or a corporation, to attempt to spend money without first providing the source from which it shall come. Fortunately, the State is practically out of debt, for by reason of the collections of old Civil War claims against the federal government, which brought a net amount into the treasury of about $1,250,000, we were enabled in 1903 to pay off all of the State debt of $1,000,000 before it was due, except $26,000, the bonds for which could not be bought. Those twenty-six bonds of $1,000 each will mature July 1, 1907. That is the entire debt of the State now, and it would have been canceled before this if we could have bought the bonds at the same rate which we paid for others of the same series. Those which we bought and cancelled cost us $1,015,105.56. But even though paying a premium, it was a better investment for the State than what our money earns us on deposit. Let us look at what extraordinary burdens have been placed upon this 50-cent tax rate, or rather upon the 21-cent rate, which is all that is available for the general expenditures of the Commonwealth, the rest going to the schools. The General Assembly of 1902 appropriated approximately about $375,000; the General Assembly of 1904 and 1905, about $1,400,000. The last regular session, which probably has the record of all sessions in the magnitude of its expenditures, never passed a measure that has

brought another dollar into the treasury or reduced as much as a dollar the expenses of the State. A large part of the above appropriations are annual in their nature. The increase in 1904 of the school term from five to six months alone increases the annual burden upon our revenues nearly $400,000; $1,000,000 has been appropriated for the building of the new capitol, $15,000 annually has been given to the State College; the same amount to the State Fair; the same amount to the Geological Survey; the same amount to the Children's Home Society; about $32,000 per annum to the Confederate Home, and so on, in many other instances unnecessary to mention, money has been appropriated without adequate provision being made to raise it. I do not believe it necessary to raise the tax rate, provided you follow some plans, to be proposed, of a practicable character, both as to raising additional revenue and as to the reduction of unnecessary expenses. I wish it understood that in any case where I may recommend an appropriation, that recommendation is predicated upon the condition that you first make it possible for the money to be appropriated without embarrassment to the treasury. I consider it proper, too, to suggest to you that the first part of your session be given to the consideration of the questions of increasing the revenue or reducing the expenses, and the latter part to the questions of such appropriations as you may deem expedient; and that before a measure, appropriating money, be passed by you, there should first be passed measures relieving the Commonwealth of unnecessary burdens or else raising more revenue. There are many instances where I should be glad to approve the expenditure of money upon worthy and deserving causes, but before doing so I prefer to see from what source the necessary funds are to come.

At the close of the last fiscal year, June 30, 1905, there was in the treasury a balance of $437,343.16. The sum which will be in it on January 1, 1906, will be considerably reduced by

school warrants and other expenses before the close of the present fiscal year, June 30, 1906. There will be laid before you the report of the State Inspector, showing the condition of the treasury on January 1, 1906, and also an estimate by the Auditor as to what the condition will be at the close of the fiscal year, June 30, next. Under the appropriation for the new capitol (1904) it is provided that $250,000 a year for four years should be set aside for that fund. There should, therefore, have been to its credit on June 30, 1905, $500,000, and if that amount had been expended on the capital up to that time, there would have been a deficit in the treasury of about $63,000, for the cash balance then was as above stated, $437,343.16. There should be to the credit of this fund on June 30, 1906, $750,000, less such part as will have been expended for that purpose to that date. I do not believe that so much cash balance will be in the treasury on June 30, 1906, unless you, by wise provisions, meet the emergency.

There is nothing in the situation to cause alarm; it simply requires good, plain, business sense to settle it.

In the matter of raising revenue, I commend to you the report of the Auditor and his suggestions in reference to improvement in the laws regarding the assessment of property. I feel confident from my knowledge of the personnel and make-up of this General Assembly that you will be able to solve these difficulties with foresight and statesmanship.

ASYLUMS FOR THE INSANE AND FEEBLE-MINDED INSTITUTE.

The three asylums for the insane, one at Hopkinsville, one at Lakeland, and one at Lexington, are all in very good condition and the officials in charge of each have been discharging their duties and responsibilities in a capable and satisfactory manner. They are now all men of special training and fitness for their work, and the unfortunates under their care are receiving the best possible treatment and attention. I hope your

committees will visit each one, as well as all the State institutions, as early as possible, that you may be informed of the conditions and needs of each in plenty of time to take such action as you may deem best. I would not advise you to appropriate any money to any of them except where you believe it to be actually necessary, and you will have no serious difficulty in finding out their real needs. As a general rule in these matters, the local boards of control ask for more than is needed, for each board, in its desire and earnestness to see its own institution enlarged and improved, frequently seeks to outbid its rivals, regardless of the condition of the source from which the money is to come, and feeling no responsibility as to the management of the State's finances. I do not say this in the least to criticise the many excellent and honorable gentlemen who serve on these boards without pay. The men are all right, but the system is extremely bad, and the local boards should be abolished.

What I have said about these insane asylums applies also to the Feeble-minded Institute at Frankfort, the plan and scope of which should be changed and broadened. At present, under the law, its sole purpose is "to educate idiot children," a psychological and physical impossibility, with the vain hope of fitting them for the responsibilities of citizenship. It is perfectly right that these idiot children should be cared for and given such manual or other training as they may be capable of receiving, but it should be a permanent home for them, and they should not be sent back into society to propagate their weakness. I desire to consider another subject in connection with this, and that is the law in reference to the support by the State of pauper idiots. The State pays $75 dollars annually to each person adjudged to be a pauper idiot, and this has grown to be a wasteful and abominable pension system. The charge upon the State from it is growing heavier each year, and the last fiscal year it reached $163,241. Now I assert that at least half

of this amount is recklessly thrown away, and the counties would not put any undeserving claimant upon this roll if the counties had to share the burden, as they ought to do. It is very easy for some people to be charitable when the cost is paid somewhere else. I have heard that Kentucky is about the only State that has such an unwise law. I suggest two plans, by either one of which this evil can be cured and much money can be saved the Commonwealth without our avoiding any just obligation to this unfortunate class of people. First, amend the law by providing that in each case the county shall pay one-half the allowance before the State shall be called upon to pay the other half; or, second, build an addition to this Feeble-minded Institute and require that the idiots be sent there. It would reduce more than half the list and be a saving to the State. I recommend, therefore, that if you do not adopt the first proposition, you appropriate a sufficient amount to enlarge that institution so as to receive these idiots and also receive from the insane asylums a class of harmless incurables, and thereby relieve those asylums of a constantly increasing demand upon their capacity. Such an appropriation would be a matter of economy as well as improvement.

I further recommend that you change the law of management of these four institutions and place them in the hands of a State Board of Control, to be appointed by the Governor and confirmed by the Senate. In my regular message to the General Assembly of 1902 and also of 1904, I gave at length my reasons for favoring this change, and I would respectfully request that you refer to those documents. With the light of a longer and broader experience, I am more convinced than ever that such a change ought to be made; that it would greatly improve the management of these institutions and save large sums of money to the Commonwealth in the cost of running them. The trivial and selfish objections urged against this measure in the past can be easily met and should have no weight with those

who have an honest desire to improve the public service of the State.

PENAL INSTITUTIONS.

The report of the Board of Prison Commissioners will be laid before you and you should have no trouble in learning of the conduct and needs of the two penitentiaries. Your committees should promptly visit each so that you may have time to consider their report and recommendations. I believe it would improve the management of these institutions if you would change the method of selecting the commissioners. You will elect at this session two of them for a term of four years, the term of the third commissioner expiring two years hence. I suggest that you amend the law so that at the expiration of those terms the commissioners shall be appointed rather than elected by the General Assembly. The Houses of Reform at Lexington for youthful criminals is a most worthy institution and deserves your favorable consideration in all of its needs. I hope you may find it possible to do for it whatever you may find to be necessary. I suggest that its management for the future be placed in the hands of the Board of Prison Commissioners.

EDUCATION.

I commend to your careful consideration the able report and recommendations of your Superintendent of Public Instruction. Under his thorough and capable administration of that department, the cause of education has made much progress throughout the Commonwealth. The last General Assembly raised the school term from five to six months, and that term, if increased any more, should be done so by local effort. I have already shown where the burden upon the State for such purposes is now as heavy as it should be. I am inclined to believe that the recommendations of the Superintendent as to the abolition of the trustee system and a reduction in the number

of schools should be followed, and that a higher standard of instruction would be obtained by doing both. The question of establishing normal schools will be seriously pressed upon your attention, but to do so the money would have to come out of the school fund, for there are no other means now available for such a purpose. If they can be established without seriously trespassing upon the school fund, then I believe it would be a good idea to do so.

The State College at Lexington is doing excellent work, and everything possible should be done to help it and enlarge its opportunities to the young men and young women of the State. Its necessities should be favorably considered.

The Colored Normal School at Frankfort is also doing good work for the colored people, and it may have some needs which deserve your favorable consideration. The cause of education should be in every way encouraged and advanced, and we should strive together to eradicate illiteracy just as we would some disease or pestilence.

On the subject of education, this General Assembly should consider, not the appropriation of more money, but such improvement in the school system as will bring forth more valuable results from the large amount already spent for such purposes.

### DEAF AND DUMB INSTITUTE AND BLIND ASYLUM.

The Institute for the Deaf and Dumb at Danville, and the Blind Asylum at Louisville have been accomplishing excellent and commendable work for those unfortunate classes of children who have been brought to those institutions for education and training. The management of each has been capable and successful. Their work should be fostered and encouraged. The officers of each say that the institution is in need of financial aid from the State, and I advise that you carefully examine into their needs and give them whatever you find to be necessary.

GEOLOGICAL SURVEY AND INSPECTION OF MINES.

I submit to your careful and favorable consideration the excellent report of your Director of the Geological Survey, which shows the valuable work done by that department since it was established two years ago. It is undoubtedly doing a practical and useful service to the Commonwealth, and it should receive from you all the assistance it is possible for you to give. There are few States in the Union richer than Kentucky in mineral wealth, and the attention of capital in recent years has been intently directed to the value of investments in our mines. We have reason to look forward in the near future to a wonderful development in that industry, to say nothing of the rapid progress already made in the last few years. Our laws are favorable to the investment of money in this enterprise and the exceptionally amicable relations between labor and capital in this State offer another strong and profitable inducement to such investments. The work of the Geological Survey has been especially valuable in furnishing necessary information to those interested in this matter. The report of the Inspector of Mines also offers some meritorious suggestions for your consideration. It shows that the work of that department has grown so much by reason of the great increase in the number of mines opened up that the present force of the office is inadequate to do all that should be done, and that additional help is needed. I am sure you will give this question the attention it deserves.

AGRICULTURE, LABOR AND STATISTICS.

The work of this department has been very gratifying under its competent chief and his efficient assistants. They have shown much energy and success in stimulating the interest and enterprise of our farmers in the more advanced and more progressive methods of agriculture. The farmers constitute one of the best and most intelligent classes of our citizenship, but

it is probably true that they are not as thrifty and practical in the art of husbandry as are the farmers in some of the States north and west of us. It has been said that a New England farmer could get rich from the fence corners and waste places upon an average Kentucky farm, and while that is an exaggeration, it is nevertheless true that agriculture is a constantly progressive science, and that as such it has not received sufficient and proper attention in our State. Everything, therefore, should be done to encourage and develop this most important and greatest industry we have. It is the province of this department to disseminate as much as possible among those interested the information and useful knowledge gained from the results of scientific experimentation and investigation in agriculture. The organization of farmers' institutes, the discussion of these questions, and the comparison of ideas and experience are bound to bring forth good results, and I believe it is a matter of only a few years when our farmers will be equal in practical knowledge, as they are already superior in other respects, to the farmers of any other State.

The report of the commissioner is before you, showing in detail the work of his department, as is also the report of the Labor Inspector. From them you can determine the needs of this department.

RAILROADS.

The report of the Board of Railroad Commissioners is before you, and shows the condition and progress of that industry in this State. We are pleased to observe that there has been an increase in mileage, in the value of railroad property, and in their earnings. It is a good indication of the prosperity of our people. There is no intelligent citizen among us who does not want to see the railroads prosper and earn a fair dividend for their owners, and any legislation which cripples them or hampers their successful management is unwise and inexcusable.

But it is also true that without proper and sensible State and Federal control the management of a railroad company, as a rule, would look more to the interest of the owners of it than of the public which uses it. Their prime concern is to earn the largest possible dividends for the stockholders, and the public is, therefore, practically defenseless without proper and effective State and federal regulation. The honest and prudent administration of such laws is just as important as the character of them, and the demagogue who would seek to blackmail a railroad company or other corporation with the threat of hostile legislation or with the unjust application of the law, is a felon deserving of the severest punishment. On the other hand, we must not flatter ourselves with the delusion that a railroad company is a charitable organization, and that without wise restriction it would not take every possible legal advantage. Between these two extremes will be found the fair, honest and equitable ground upon which this grave and important question should be settled. The law passed by the General Assembly in 1900 on this subject gives to our Board of Railroad Commissioners ample power, so far as intrastate commerce is concerned, to remedy any wrongs that may exist with due regard to the rights of the people and of the railroads. We have reason to hope that the present board in the general investigation on the subject of rates it is now making will reach a conclusion that will be just to all alike. The power of a railroad company to levy an extortionate rate, simply because of a lack of competition or by an agreement with a competing line, should be restrained; and the authority to do this now rests with our board so far as rates within this State are concerned.

I suggest that you give the report of this board serious consideration. Its recommendations should be followed as far as possible.

BOARD OF HEALTH.

The success of the State Board of Health, through its efficient secretary, is deserving of our highest praise and commendation. There is no other secular work so important. The public health should be our first consideration as responsible officials. All other industrial questions are subordinate to it. The prevention of disease, the suppression of epidemics, deserve our attention as much as anything else. Medical science has taught us that most of the diseases and scourges which are so fatal among us are preventable and, in many instances, curable. To prevent the spread of disease and to enforce proper hygienic regulations the power of the law is frequently necessary. Your State Board of Health has handled these questions with wisdom and success. Their skillful policy in dealing with the yellow fever epidemic during the past year and in preventing the disease from getting the slightest foothold in Kentucky, while generously inviting the fugitives from the infected districts to come here, is a splendid tribute to their judgment and professional knowledge. The board should have all necessary power to protect our people from the spread of disease and to enforce every essential regulation to prevent it. If the condition of the treasury should permit, I would advise you to appropriate a sufficient sum of money to maintain a home for the care and treatment of those afflicted with tuberculosis. It is the most deadly and destructive disease we have, and yet it is now established that it is both contagious and preventable, and if treated in time, curable. There is as much reason for the State to take care of and isolate the consumptive as there is for it to do so with the insane or feeble-minded. It would be a double benefit to society, first, to cure, if possible, and restore a citizen, and, second, to prevent, in a measure, the spread of a fearful and contagious disease. If you find it possible to adopt this suggestion, I advise you to refer the matter to the State Board of

Health for such steps as might be necessary to carry out the plan.

THE NEW CAPITOL.

The board of commissioners for building the new capitol submits to you the report of its work and proceedings thus far. That report consists of a report from the secretary of the board, showing a statement of the expenditures made up to date on account of the work; a report from the superintendent showing the details and progress of the work, and a report from the architect discussing its general features and giving his ideas as to what further needs and improvements of the building should be considered. It may seem that the progress of the work has been slow, but it has been the opinion and policy of the board, in so important a matter, to proceed with great caution and prudence, so that no mistakes would be made and that in the end the Commonwealth should have the best possible capitol for the amount of money to be used. We have every reason, up to this time, to be pleased with the work of the architect, and we believe that his design and plans for the new building will give us one of the handsomest and best adapted capitol structures in the country. Under our contract with the construction company, it is to be completed in August, 1907, but its furnishing and equipment for occupancy is not included in that contract and must be taken up for determination by the General Assembly. It is possible that by action upon your part the new building may be ready for use by the time the next General Assembly meets in 1908. I can only recommend additional appropriations for this purpose upon the same condition which I explained in a preceding part of this communication. The condition of the treasury must first permit it. There is no doubt but that the building may be vastly improved by the expenditure of more money, and I request that you examine carefully the architect's

report as to what those expenditures should be. First, it seems that money is needed to furnish the building; second, it is deemed best to finish off the interior with white marble instead of stone, which the present appropriation limits us to; third, it is believed that the dome should be made of a different material from that specified, and then there are several other items to be passed upon by you. All of these questions will be brought in due time to your attention, and I believe it would be well for your committees on this subject to meet with the Board of Building Commissioners whenever possible to discuss what is best to be done. The board will gladly furnish you all the information it has, and invites and urges that you make a thorough and careful investigation of its work and records, which will be accessible to you at all times in the office of the board. We are more than ever pleased with the selection of the new site made by the General Assembly at a special session in 1905, and we are convinced that it would have been a grievous blunder to attempt to build upon the old site. But you are familiar with the history of that subject and its fortunate solution. All of us should be interested in seeing a capitol building that will be an honor and a credit to this great Commonwealth, and do justice to the history, progress and intelligence of our people.

I have not gone into the details of the work of the board because its report and records will be before you in such a way as to show you everything that has been done.

LAWS ON PUBLIC PRINTING.

The Board of Sinking Fund Commissioners constitute the Board of Printing Commissioners, and under the law that board has charge of all the public printing of the State. While much money has been saved to the State by reason of the change from the old system of electing the public printer to the present system of letting the contracts to the lowest bidders, there are nevertheless several defects in the present laws which you

should correct. In the two printing boards with which I have served, one during the last administration, and the present one, there has not been a member who had any practical or technical knowledge of the printing art, and consequently there has been more or less trouble in dealing with this subject. I believe it would be well for the board to be given the authority to employ at a reasonable salary some one trained and skilled in the business to aid the board. Numerous other changes in the law will be presented to you, and the board will gladly meet with your committees at any time to discuss the matter. Under the law it was due that the board should have made new contracts for the public printing for the next two years in December just passed, but inasmuch as a committee of the last Senate requested that the matter be postponed until the present General Assembly could remedy the law and as the board had authority to make such postponement, it was done, and no new contracts will be made until you have had a chance to make any necessary changes. The Auditor will submit to you a report of the board's work for the last two years. I hope it will be possible for you to improve the law and make it more satisfactory in its operation.

MILITARY AFFAIRS.

The Adjutant General's Department, in its report, will show you what has been accomplished by it in the last two years. Much progress has been made in building up and improving the State Guard. The Guard has been better trained, better equipped, and better disciplined in the period covered by that report than ever before in its history. Under a recent law, the federal government has wisely undertaken to aid in building up and improving the militia of the State, and Kentucky is taking advantage of the generous provisions of that law. It furnishes the equipments and munitions for the State Guard just as it does to the regular army, but in return for that policy it re-

quires the strictest possible accountability for all property it furnishes, and we have had no little difficulty in training the officers and men of the Guard to their increased responsibility under the new law, as they were generally accustomed to the loose and irresponsible methods of the old system. The federal government also furnishes the money to pay the soldiers at regular army rates while they are on service in the annual State encampments, and this plan has had a wonderfully beneficial effect upon them by stimulating their interest and activity in their military duties. The encampment at St. Louis in 1904, and the one at Paducah in 1905 were both eminently successful from every standpoint, and were of great service to the Guard. We have three regiments of infantry, well officered and in excellent condition, ready upon the shortest notice for any call to active service.. The Adjutant General and his assistants have done their duty well, and are doing everything possible to still further improve the condition of the Guard.

HISTORICAL SOCIETY.

The valuable work of this organization is not generally or sufficiently appreciated. It is remarkable that as rich as Kentucky is in historical lore so little interest and concern are taken in preserving and perpetuating the valuable legacies of the past. If it were not for the voluntary and unrequited services of a few people, much useful and interesting history would be lost. and it is therefore our duty to aid substantially and encourage those who are engaged in the work of this society. The excellent secretary of the society is placing future generations under lasting obligations to her for what she is doing for this cause. I recommend that you place at the disposal of the society at least as much as five thousand dollars per annum.

EXAMINATION OF BANKS.

There is a considerable demand for the passage of a law pro-

viding for the examination of State banks and trust companies. It is a source of strength and advantage to the national banks that the government is so strict and thorough in examining them, and thus gives assurance to the public of the stability of those banks. But no such advantage exists with the State banks, for no law provides for their regular examination, and in some instances the people suffer great loss because of the fact that it is possible for an insolvent State bank to receive deposits and carry on business for years before its insolvency is discovered. This could not happen under a proper system of official examination. The cost of the examination would be borne by the banks and not by the State. I suggest that you place the matter in the hands of the State Inspector and Examiner, giving him authority to employ such expert assistance as may be needed.

INSURANCE.

You will be called upon to give much time and attention to the subject of insurance, both life and fire, and I trust that from your deliberations about it, some wise and beneficial legislation may result, and that as far as it is possible for this State by its laws to protect our people from the wrongs and peculations of some of these concerns, you will leave nothing undone. The disclosures made in the past year of the corruption and crime in the management of a number of the large life insurance companies show conclusively that the interests of the people who have put their savings in them must be protected, if protected at all, by the strength and power of the law, and not left to the supposed conscience or integrity of the companies' officers any more than that a lamb could be safely entrusted to the conscience or altruism of the wolf. The vast sums gathered up by these companies from the people are trust funds, as sacred as those in the hands of a guardian or administrator, and the corrupt use of them or the appropriation of them

to evil purposes, by the officials in charge of them, is none the less embezzlement because of the fact that the amounts misused are so much larger than the sums for the theft of which men are usually put behind prison bars. The wasteful extravagance of these trust funds, the contributions to political campaigns, the grand larceny in the matter of exorbitant salaries, have, it is true, aroused universally public indignation at such gross violations of honesty by the officers of some of the companies, but we must not rely alone upon the expressions of an aroused public conscience, or the fulsome promises made by a reorganized company. The remedy must be found in such just and strong enactments of law as will reduce to a minimum the possibility of these embezzlements happening in the future. There should be no disposition to unjustly injure these companies, or any legislation that would prevent their doing a legitimate and profitable business. A life insurance company, honestly and successfully conducted, is an advantage and blessing to many people, who, in such a way, can save a part of their earnings, and in the event of death protect a dependent family from poverty. I would, therefore, advise that any action we may take in this matter be guided by prudence and conservatism, and that while we should do all we can to guard the interests of the people, at the same time we should do nothing to destroy a legitimate business. Our Commissioner of Insurance, in his report, makes several recommendations for improvements in the law, and you should carefully consider what he has recommended, for I believe there is much merit in his suggestions. It seems to be the opinion of a great many authorities on the subject, that the deferred dividend system is essentially wrong, and that the accumulation, by reason of it, of a large surplus in the hands of the company is a constant temptation to such extravagance and fraud as have been discovered in the recent investigations of several companies. I would advise, therefore, that you carefully examine into your power in the premises,

and that if you find it would be effective, pass a law requiring a short period accounting of the surplus to the policyholders of the company. I would also advise that you pass a law along practicable lines requiring a company doing business in the State to invest a certain portion of its earnings in Kentucky. It is a constant drain upon our money to send out every year a large sum for insurance and to have no part of it re-invested in the State. Such a law as this would also operate to a certain extent to prevent the accumulation of vast sums in the money centers where the policyholder's funds seem to have been, to their detriment, the prey of stock gamblers and financial pirates. Other measures of relief or improvement should be considered by you. I also refer you to the consideration of the subject of fire insurance and the reports and suggestions of the Commissioner about it. After receiving several complaints from citizens about the rates charged by fire insurance companies in this State and some of them stating that the rates here were much higher than those charged in many other States, I requested the Commissioner last July to investigate these charges fully, and on November 6th he made a report to me of his investigations, with suggestions for some improvements in the laws on the subject. His report will be laid before you. The recommendations he makes are good, and deserve your favorable consideration. A law establishing the office of a fire marshal seems especially worthy of your attention, for it would probably be a considerable check on incendiary losses, and thereby justify a reduction in the rates. The cost of establishing and running the office would be upon the companies and not upon the State. I request that you carefully read what the Commissioner says upon this and other measures which he advocates.

### CRIMES AND CRIMINAL PROSECUTIONS.

You could do no greater service for your constituency than to make more effective, more certain and swifter the adminis-

tration of your laws against crime. We should not shut our eyes to the fact that there is far too much laxity, delay and uncertainty in the punishment of law-breakers. Our legislators in the past have gone too far in the effort to throw around the accused every possible protection and in their eager precaution to protect the one innocent man they have gone to the other extreme and have made it possible too frequently for the ninety-nine guilty ones to escape. Without sacrificing that principle it is possible for you to enact such laws as will make it infinitely more terrible to the criminal classes to face justice in a State court, and there is no doubt but that the fear of certain punishment is the most powerful deterrent to the evil-doer. A severe penalty doubtful of infliction is not so potent as a milder punishment certain to follow the violation of law. There is no criticism justly due to the administration of law by our State courts, but it is true that those courts need legislative aid to enforce the law more speedily and successfully. If the accused, no matter how guilty, is possessed of means or influence, he can, with the assistance of able counsel, delay unreasonably, and frequently prevent, the punishment that is due him. No one can be quicker than I to defend Kentucky against the unjust aspersions cast upon her by outsiders, but we must admit that in the matter of criminal jurisprudence there is much room for improvement. I suggest as one remedy that you adopt the practice followed in the federal courts, and by most of the States in their courts, and provide that in the trial of any offense, the jury shall merely pass upon the guilt or innocence of the defendant, and, if found guilty, that the court shall fix the penalty, subject, of course, to the limitations prescribed by law. This would reduce at least half of the number of hung juries, for it is undoubtedly true that the majority of the juries which disagree do so upon the question of the amount of the penalty to be imposed and not upon the question of guilt or innocence. The judge who hears the case impartially, who

knows the law, and who should be freer from bias or excitement than any one, is the proper person to determine the penalty. This is not an experiment, but works well in all the courts which have tried it. It would also be a great saving of expense to the Commonwealth in reducing considerably the number of hung juries. I recommend, too, that you reduce at least half the number of challenges allowed the defendant in the formation of the jury. The large number of challenges now given him is frequently used to get upon the jury some professional bystander, who is unfit for the service. You should also restrict as far as possible the number of cases which may be appealed from the circuit court to the court of appeals. In the matter of carrying concealed deadly weapons, a misdemeanor, so fruitful of felonies, I advise that you amend the law in such a way as to increase the penalty beyond the reach even of executive clemency, and I shall show how it may be done. It is exceedingly hard for the Governor in these cases to refuse to pardon the imprisonment part of the penalty. As the law now is, when the Governor grants a pardon for any part or all of the penalty, the applicant has to pay to the State a tax of four dollars on the pardon, which the Governor can not remit. I advise that you increase that tax to at least one hundred dollars, and when you do so you can rest assured that there will be a wonderful reduction in the number of pistols carried. I further recommend that you provide that all executions of the death penalty be done in the Frankfort penitentiary. The hanging of a man in the community where he is tried produces a sensation, a nervousness and excitement upon the part of the people, and it has a brutalizing effect upon the large numbers, in spite of the law, who witness it.

Section 81 of the Constitution in defining the duties of the Governor, says: "He shall take care that the laws be faithfully executed." This provision is practically inoperative, for no power is given to the Governor by law to execute the direction.

and yet he is frequently censured for not doing what it commands. I commend this section of the Constitution to your serious consideration, with the assurance that no Governor of Kentucky would ever knowingly or willingly permit the violation of any law in the Commonwealth if the means were in his hand to prevent it.

Several of my predecessors in their messages to the General Assembly, and I, in each regular message I have sent to it, have called attention to the great abuses upon the Commonwealth and its treasury in the cost of criminal prosecutions, and have requested that action be taken to correct the evil. But nothing has ever been done, and I urge upon you now that the matter be not longer delayed. Under the present system there is a useless waste of money, and it is constantly increasing. The cost under this head for the last fiscal year was $282,665.64, and I believe that it is no exaggeration to say that at least one-third of this money was simply thrown away. In many localities of the State there is an inexcusable recklessness upon the part of some officials in uselessly increasing this expense, and I can see no reason whatever why the General Assembly should longer refuse to correct such an abuse. It can be easily done without in the least impairing the administration of justice.

I recommend that you pass a law inflicting an effective penalty upon any express company or other common carrier for seeking to collect freight charges at both ends upon the same package. This is a common practice, especially with express companies, and can be easily stopped by a legislative act.

There is much complaint in some parts of the State over the crowded dockets in the circuit courts, and in some instances the enforcement of law is delayed to a serious extent, the circuit judge being unable, with the most diligent labor, to relieve the congestion. It may be necessary in one or two instances to create a new judicial district. I suggest as one means to greatly improve the condition, and to prevent the docket of any court

from being overcrowded, and it is that a law be passed permitting in such instances the circuit judge to call a special term of the court at any time and have a special judge appointed to hold it, even at such times when the regular judge is holding court in some other county of the district. I trust that you may find it possible in many ways to improve and strengthen the administration of justice in the Commonwealth, and to double the terror of the law's vengeance in the mind of the criminal.

I submit to you the foregoing statements and recommendations with the sincere hope that in the wisdom and patriotism of your deliberations the Commonwealth may derive much advantage and that our people may have just cause to applaud your work.

It shall be my wish and pleasure to co-operate with you at all times in the effort to serve well and faithfully those who have so generously confided temporarily to our care the conduct of their public affairs. If your work shall be successful and productive of valuable results to them, there can be no one more gratified than myself, and I wish for you collectively and individually, during your session here, such useful accomplishments as will win from your constituencies the praise and reward due upright and honest public servants.

Very respectfully,

January 2, 1906.

J. C. W. BECKHAM,
*Governor of Kentucky.*

Ordered, That said message be spread upon the Journal.

Mr. McKnight offered the following resolution, viz.:

Resolved, That the chief clerk of this House be, and is, authorized and directed to procure and have properly furnished a suitable room for use as his office during the present session, and for such time after adjournment as is necessary to complete his duties as

clerk, the cost of which shall be certified as a necessary contingent expense of the House, and the Auditor of Public Accounts is directed to draw his warrant upon the Treasurer in payment of the same.

Which was adopted.

Mr. Drewry offered the following resolution, viz.:

Resolved, That the clerk of this House is hereby authorized to have printed in pamphlet form for the information of the members the number, title and name of the author of each bill introduced, beginning with the first day for introduction of bills.

Which was adopted.

Mr. McKnight offered the following resolution, viz.:

Resolved, That until the Committee on Rules reports, that the rules of the last House of Representatives govern the deliberations of this House.

Which was adopted.

James E. Stone, chief clerk of this House, then announced to the House in open session that there had been delivered to him and were now in his possession sundry papers in the following cases, where the right to seats in this House are, and have been, contested, viz.:

James A. Dorsey vs. Chris. Mueller, from the Forty-sixth Representative District, which is in the city of Louisville.

Louis B. Wehle vs. James A. Hagan, from the Forty-seventh Representative District, which is in the city of Louisville.

Lee S. Bernheim vs. Emmett P. Slattery, from the Forty-eighth Representative District, which is in the city of Louisville.

Robert L. Harris vs. Ion B. Nall, from the Forty-ninth Representative District, which is in the city of Louisville.

B. E. Neal vs. W. G. Baxter, from the Fiftieth Representative District, which is in the city of Louisville.

George A. Dailey vs. Thomas Drewry, from the Fifty-first Representative District, which is in the city of Louisville.

T. J. Slaton vs. D. P. Taggart, from the county of Muhlenberg.

W. M. Howard vs. Jas. G. Yaden, from the counties of Laurel and Rockcastle.

J. H. Charles vs. Moses Campbell, from the county of Pike.

J. L. Howell vs. Will A. Young, from the counties of Bath and Rowan.

Thos. P. Barbour vs. Will A. Young, from the counties of Bath and Rowan.

J. P. Munsey vs. John D. Griffith, from the counties of Breathitt, Lee and Magoffin.

W. T. Cole vs. C. W. Hanna, from the county of Greenup.

Mr. Russell moved that the House do now adjourn until to-morrow at 12 o'clock, meridian.

Which was agreed.

## WEDNESDAY, JANUARY 3, 1906.

The House was opened with prayer by the Rev. J. O. A. Vaught, of the Methodist Episcopal Church, South.

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Claybrooke offered the following resolution, viz.:

Be it resolved, That the Speaker of the House is hereby authorized a bill clerk, three messengers, and a Speaker's page, who shall receive the same compensation as pages receive, and who shall perform such duties as the Speaker and the sergeant-at-arms shall direct.

Which was adopted.

Mr. Klair offered the following resolution, viz.:

Resolved, That the Kentucky State Journal shall furnish daily for the use of the members and officers of the House of Representatives of the Commonwealth of Kentucky one hundred and fifty copies of the Kentucky State Journal, containing a full report of the proceedings of the House, to be paid for as a contingent expense of the House of Representatives.

Which was adopted.

Mr. Gabbard offered the following resolution, viz.:

Whereas, The health and comfort of each member of the House of Representatives depends upon an abundance of wholesome, accessible air, be it

Resolved, That smoking be prohibited in the House of Representatives during its sessions.

Which was adopted.

Mr. Redwine offered the following resolution, viz.:

Resolved, That pastors of the white churches of the city of Frankfort be, and are hereby, invited to open the sessions of this House of the General Assembly with prayer on each day alternately.

Which was adopted.

Mr. Alverson offered the following resolution, viz.:

Resolved, That the State Librarian be, and is hereby, directed to lay on the table of each member of this House 150 copies of the Governor's message ready for mailing.

Which was adopted.

Mr. R. W. Miller offered the following resolution, viz.:

Resolved, That the sergeant-at-arms be directed to have the desks of the members varnished, the mutilated tops covered with canvas or cloth, and the clerk is directed to certify the cost of same to the Auditor of Public Accounts for payment as a contingent expense of this House.

Which was adopted.

The Speaker laid before the House the following communication from the Secretary of State, viz.:

Commonwealth of Kentucky,
Office of Secretary of State,
Frankfort.

*To the Members of the General Assembly:*

GENTLEMEN:—In accordance with the requirements of section 878 of Kentucky Statutes, I have the honor to report collection of

fees in the corporation department of my office from January 4, 1904, to, and including, December 30, 1905, as follows:

| | |
|---|---|
| For recording articles of incorporation, etc. | $ 3,413 51 |
| For seals | 944 00 |
| For licenses | 125 00 |
| For Auditor's seals | 14 00 |
| For fees from State banks and trust companies | 6,655 50 |
| For fees from building and loan associations | 1,580 00 |
| Making a total of | $12,732 01 |

All of which was turned in to the State treasury as provided by law.

Witness my hand this January 2, 1906.

H. V. McCHESNEY,
Secretary of State.

Ordered, That said communication be spread upon the Journal.

The Speaker laid before the House the following communication, viz.:

FRANKFORT LODGE NO. 530.
B. P. O. ELKS.

Frankfort, Ky., January 3, 1906.

Hon. Henry R. Lawrence,
Speaker House of Representatives
City.

Sir:—Will you kindly convey to the members and officers of the Legislature a cordial invitation to avail themselves of the privileges of the Elks' Home during their stay in Frankfort?

By order of the lodge.

R. W. McRERY, Exalted Ruler,
G. L. ROBERTS, Secretary.

Mr. Gooch moved that said invitation be accepted and that the thanks of the House be returned for same.

Which was agreed to.

James E. Stone, chief clerk of this House, laid before the House of the notice of contest and papers which had been delivered to him in the case of contest for right to seat in this House, styled:

Robt. H. Meng vs. H. H. Griffin, from the county of Allen.

Mr. McKnight offered the following resolution, viz.:

Resolved, That the House proceed to select a contest board in each of the contested election cases, as reported to the clerk, and that each of the committees shall consist of seven members, as provided by section 1882 of Kentucky Statutes.

Which was adopted.

The roll of the House was then called, and the following members responded and were present, viz.:

| | | |
|---|---|---|
| J. M. Alverson, | W. J. Gooch, | John R. Ray, |
| Louis W. Arnett, | A. J. Gorham, | M. M. Redwine, |
| John Barr, | H. H. Griffin, | Richard S. Rose, |
| E. Barry, | John C. Griffith, | J. T. Royalty, |
| W. G. Baxter, | B. P. Grigsby, Sr., | S. M. Russell, |
| Charles C. Beard, | Paul Gullion, | J. T. Scott, |
| B. O. Becker, | James A. Hagan, | Ed. H. Shellman, |
| Peter Best, Jr., | W. C. Halbert, | R. C. Simmons, |
| Roger P. Blair, | Albert Hamilton, | Emmet P. Slattery, |
| Joe F. Bosworth, | J. A. Hamon, | W. W. Smith, |
| H. Kirby Bourne, | C. W. G. Hannah, | W. H. Southall, |
| J. C. Byland, | L. P. Head, | Hub L. Stevens, |
| W. T. Cain, | D. C. Hopper, | John A. Stevens, |
| M. F. Campbell, | W. J. Jackson, | Zeb. A. Stewart, |
| N. B. Chipman, | L. F. Johnson, | George W. Stone, |
| Bennett Clarke, | W. H. Jones, | D. P. Taggart, |
| W. D. Claybrooke, | Wm. F. Klair, | C. C. Terry, |

Sam. D. Cochran,
H. K. Cole,
W. H. Cole,
Henry M. Cox,
Ed. Croan,
Henry W. Curle,
Charles I. Dawson,
A. L. Denny,
Lawrence J. Diskin,
Thomas Drewry,
W. Reed Embry,
Robert Enlow,
J. A. Frazier,
M. T. Freeman,
Taylor P. Gabbard,
Lloyd W. Gates,
Geo. D. Litsey,
H. M. McCarty,
Virgil McKnight,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
Chris Mueller,
J. M. Mitchell,
V. W. Morris,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
A. J. Thompson,
C. F. Thornton,
Harry Weitkamp,
T. A. Weldon,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson,
Wm. Wilt,
J. Hal Woodford,
James C. Yaden,
J. A. Yates,
Will A. Young,
Speaker Lawrence—97

The Speaker then announced that the House would now proceed, according to law and pursuant to the resolution this day adopted, to select by lot seven of its members to constitute a board for determining the contest for a seat in this House as Representative from the Forty-sixth Representative District, which is in the city of Louisville, of James A. Dorsey against Chris Mueller.

The names of the members present were written on separate pieces of paper, rolled and placed in a box by the clerk in the manner provided by law, who, after the same had been well shaken, drew the names of seven members of the House therefrom, separately, which were opened and read aloud by the Speaker of the House as follows, viz.: W. Reed Embry, H. M. McCarty, John R. Ray, Louis W. Arnett, W. H. Southall, Geo. D. Litsey, J. A. Frazier.

Whom the Speaker declared selected as members of said board.

The Speaker then announced that the House would now proceed, according to law and pursuant to the resolution this day adopted, to select by lot seven of its members to constitute a board for determining the contest for a seat in the House as Representative

from the Forty-seventh Representative district, which is in the city of Louisville, of Louis B. Wehle vs. James A. Hagan.

The names of the members present were written on separate pieces of paper, rolled and placed in a box in the manner provided by law, who, after the same had been well shaken, drew the names of seven members of the House therefrom, separately, which were opened and read aloud by the Speaker of the House as follows, viz.: J. C. Byland, John Barr, Harry Weitkamp, Chris Mueller, R. C. Simmons, Thos. Drewry, Lloyd W. Gates.

Whom the Speaker declared selected as members of said board.

The Speaker then announced that the House would now proceed, according to law and pursuant to the resolution adopted this day, to select by lot seven of its members to constitute a board for determining the contest for Representative from the Forty-eighth Legislative District, which is in the city of Louisville, of Lee S. Bernheim vs. Emmet P. Slattery.

The names of the members present were written on separate pieces of paper and placed in a box by the clerk in the manner provided by law, who, after the same had been well shaken, drew the names of seven members of the House therefrom, separately, which were opened by the Speaker of the House as follows, viz.: R. W. Miller, A. J. Gorham, D. C. Hopper, H. W. Curle, Ion B. Nall, C. W. Hannah, and J. A. Yates.

Whom the Speaker declared selected members of said board.

The Speaker then announced that the House would now proceed, according to law and pursuant to resolutions adopted this day, to select by lot seven members to constitute a board for determining the contest for Representative from the Forty-ninth Legislative District, which is in the city of Louisville, between Robert L. Harris and Ion B. Nall.

The names of the members present were written on separate pieces of paper, rolled and placed in a box by the clerk in the manner provided by law, who, after the same had been shaken, drew the names of seven members of the House therefrom, separately, which were opened and read aloud by the Speaker of the House as follows, viz,. Richard Rose, John R. Ray, Virgil McKnight, J. C. Byland, H. K. Bourne, Chris Mueller and W. C. Halbert.

Whom the Speaker declared selected as members of said board.

The Speaker then announced that the House would now proceed, according to law and pursuant to the resolution adopted this day, to select by lot seven of its members to constitute a board for determining the contest for Representative from the Fiftieth Legislative District, which is in the city of Louisville, between B. E. Neal and W. G. Baxter.

The names of the members present were written on separate pieces of paper, rolled and placed in a box by the clerk in the manner prescribed by law, who, after the same had been well shaken, drew the names of seven members of the House therefrom, separately, which were opened and read aloud by the Speaker of the House, as follows, viz.: J. C. Byland, John Barr, Harry Weitkamp, Chris Mueller, R. C. Simmons, Thos. L. Drewry and L. W. Gates.

Whom the Speaker declared selected as members of said board.

The Speaker then announced that the House would now proceed, according to law and pursuant to the resolution adopted this day, to select by lot seven of its members to constitute a board for determining the contest for Representative from the Fifty-first Legislative District, which is in the city of Louisville, between George A. Daily and Thos. Drewry.

The names of all the members present were written on separate

pieces of paper, rolled and placed in the box by the clerk in the manner provided by law, who, after the same had been well shaken, drew the names of seven members therefrom, separately, which were opened and read aloud by the Speaker of the House as follows, viz.: J. M. Alverson, Ion B. Nall, E. H. Shellman, W. C. Halbert, Paul Gullion, Chas. I. Dawson and C. M. Paynter.

Whom the Speaker declared selected as members of said board.

The Speaker then announced that the House would now proceed, according to law and pursuant to resolution adopted this day, to select by lot seven of its members to constitute a board to determine the contest for Representative from the counties of Laurel and Rockcastle between Wm. H. Howard and Jas. G. Yaden.

The names of the members present were written on separate pieces of paper, rolled and placed in a box by the clerk in the manner provided by law, who, after the same had been well shaken, drew the names of seven members, separately, therefrom, which were opened and read aloud by the Speaker of the House, viz.: Munnell Wilson, W. H. Southall, W. J. Gooch, J. M. Hagan, Wm. Wilt, J. T. Scott and R. C. Simmons.

Whom the Speaker declared were selected members of said board.

The Speaker then announced that the House would now proceed, according to law and pursuant to the resolution adopted this day, to select by lot five of its members to constitute a board for determining the contest for Representative from the county of Muhlenberg between T. J. Slaton and D. P. Taggart.

The names of the members present were written on separate sheets of paper, rolled and placed in a box by the clerk in the manner prescribed by law, who, after the same had been well shaken, drew the names of seven members of the House therefrom, separately, which were opened by the Speaker and read aloud as follows,

viz.: A. B. Tamilton, J. T. Royalty, Chris Mueller, Wm. Wilt, Ed. Mulcahy, L. F. Johnson and W. J. Cain.

Whom the Speaker declared selected members of said board.

Then the Speaker announced that the House would now proceed, according to law and pursuant to the resolution adopted this day, to select by lot five of its members to constitute a board for determining the contest for Representative in the county of Pike, between J. H. Charles and Moses Campbell.

The names of the members present were written on separate pieces of paper, rolled and placed in a box by the clerk in the manner prescribed by law, who, after the same had been well shaken, drew the names of seven members of the House therefrom, separately, which were opened and read aloud by the Speaker, viz.: D. P. Grigsby, Sr., H. M. Cox, Bennett Clark, M. M. Redwine, H. G. Overstreet, H. R. Lawrence and E. H. Shellman.

Mr. Lawrence had stated and sworn that, being Speaker of the House, he could not, without great personal inconvenience, serve on the said board.

Mr. Klair moved that Mr. Lawrence be excused by the House from serving on said board, and that the clerk be directed to draw one other name from said box of a member to serve in place of said Lawrence, which motion was agreed to.

Thereupon the clerk drew from said box the name of Virgil McKnight. Thereupon the Speaker declared that the above-named, viz., D. P. Grigsby, Sr., H. M. Cox, Bennett Clarke, M. M. Redwine, H. G. Overstreet, Virgil McKnight and E. H. Shellman.

Whom the Speaker thereupon declared selected members of said board.

The Speaker then announced that the House would now proceed,

according to law and pursuant to a resolution this day adopted, to select by lot seven of its members to constitute a board for determining the contest for Representative from the counties of Bath and Rowan, between J. L. Howell and Will A. Young.

The names of all the members present were written on a piece of paper, separately, rolled and placed in a box by the clerk in the manner provided by law, who, after the same had been well shaken, drew the names of seven members therefrom, separately, which were opened and read aloud by the Speaker, viz.: H. M. McCarty, W. J. Cain, W. H. Jones, Richard Rose, J. M. Mitchell, M. M. Redwine, Bennett Clarke.

Whom thereupon the Speaker declared selected as members of said board.

The Speaker then announced that the House would now proceed to select by lot and according to law and pursuant to a resolution this day adopted, seven of its members to constitute a board for determining the contest for Representative from the counties of Bath and Rowan, between Thos. P. Barbour and Wm. A. Young.

The names of the members present were written on separate pieces of paper, rolled and placed in a box by the clerk as provided by law, who, after the same had been well shaken, drew the names of seven members therefrom, separately, which were opened and read aloud by the Speaker of the House as follows, viz.: Moses Campbell, W. W. Smith, Richard Rose, W. C. Halbert, J. T. Wilson, M. B. Chipman and Ed. Croan.

Whom thereupon the Speaker declared selected as members of said board.

The Speaker then announced that the House would now proceed, according to law and pursuant to the resolution adopted this day to select by lot seven of its members to constitute a board for deter-

mining the contest for Representative from the counties of Breathitt, Lee, and Magoffin, between J. P. Muncy and John Griffith.

The names of the members present were written on a separate piece of paper, rolled and placed in a box by the clerk in the manner prescribed by law, who, after the same had been well shaken, drew the names of seven members therefrom, separately, which were opened and read aloud by the Speaker of the House as follows, viz.: H. M. Cox, H. K. Bourne, A. J. Gorham, J. M. Alverson, W. J. Jackson, E. Barry and Chas. I. Dawson.

Whom thereupon the Speaker declared selected as members of said board.

The Speaker then announced that the House would now proceed, according to law and pursuant to a resolution this day adopted, to select by lot seven of its members to constitute a board for determining the contest for Representative from the county of Greenup, between W. T. Cole and C. W. Hannah.

The names of all the members present were written on a separate piece of paper, rolled and placed in a box by the clerk in the manner prescribed by law, who, after the same had been well shaken, drew the names of seven members of the House therefrom, separately, which were opened and read aloud by the Speaker of the House as follows, viz.: Geo. W. Stone, Chris Mueller, L. W. Gates, J. M. Hagan, V. W. Morris, H. K. Bourne, and Henry R. Lawrence.

Mr. Lawrence had stated under oath that, being Speaker of the House, he can not, without great personal inconvenience, serve on said board.

Mr. McKnight moved that Mr. Lawrence be excused from serving on said board, and that the clerk be directed to draw one other name from said box, of a member to serve in place of said Lawrence.

Which was agreed to.

The clerk drew from said box the name of Mr. McKnight; thereupon, the Speaker declared that the above-named, viz.: W. T. Cole, C. W. G. Hannah, G. W. Stone, Chris Mueller, L. W. Gates, J. M. Hagan, V. W. Morris, H. K. Bourne and S. M. Russell were selected members of said board.

The Speaker then announced that the House would now proceed, according to law and pursuant to a resolution this day adopted, to select by lot seven of its members to constitute a board for determining the contest for Representative from the county of Allen, between Robert H. Meng against H. H. Griffin.

The names of all the members present were written on separate pieces of paper, rolled and placed in a box by the clerk in the manner prescribed by law, who, after the same had been well shaken, drew the names of seven members of the House therefrom, separately, which were opened and read aloud by the Speaker of the House as follows, viz.: J. A. Frazier, J. B. Wicker, Richard S. Rose, E. Barry, P. Best, Jr., S. D. Cochran and Ed. H. Shellman.

Mr. Alverson moved that the House now adjourn till to-morrow at 11:00 a. m.

Said motion was agreed to

## THURSDAY, JANUARY 4, 1906.

The House was opened with prayer by Rev. C. R. Hudson, of the Christian church.

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. McKnight offered the following resolution, viz.:

Whereas, It has been the custom of previous Houses of Representatives to allow indiscriminately attorneys' fees and other expenses to unsuccessful contestants in contested election case; and,

Whereas, The custom is pernicious and expensive; now, therefore, be it

Resolved, By the House of Representatives that in the various contests before it, these fees and expenses shall not be allowed unless, in the judgment of the House, merit is clearly in the cause of the contestant.

Which was adopted.

Mr. Redwine offered the following resolution, viz.:

Whereas, There are two contestants from Bath and Rowan for the seat of Hon. W. A. Young and two committees having been drawn to hear said contests;

Resolved, That the second committee be withdrawn and that the committee drawn to hear the contest of Howell vs. Young also hear the contest of Barbour vs. Young, and report both cases together.

Which was adopted.

Mr. Mitchell offered the following resolution, viz.:

Resolved, That the Speaker be, and is hereby, authorized to ap-

point a suitable person to act as clerk to the several boards of contest for determining the right to seats in this House, and to perform such other duties as the Speaker may direct. His compensation shall be $4 per day, to be certified by the clerk of the House to the Auditor for payment, as a contingent expense of the House, and such appointment may be revoked by the Speaker at any time.

Mr. Klair moved that the further consideration of said resolution be postponed until after the administration of the required oath to the members of the various boards of contest and the organization thereof.

Said motion was agreed to.

Mr. Arnett offered the following concurrent resolution, viz.:

Resolved by the House of Representatives, the Senate concurring, That when the two Houses adjourn to-day they adjourn until Monday at 12 o'clock.

Which was adopted.

Mr. McKnight moved that the several boards of contest drawn on yesterday be called and that the members thereof be sworn by the Speaker of the House of Representatives as required by law.

Said motion was agreed to.

Mr. Arnett moved that any member who may have been, or may be, drawn as member of any board of contest for determining the right to a seat in this House, whose right to a seat in this House has been contested, shall be excused from service on same, and that other name or names shall be drawn to fill such vacancy or vacancies.

Said motion was agreed to.

The roll of members was then called to ascertain what members were present, and the following answered, viz.:

J. M. Alverson,
Louis W. Arnett,
John Barr,
E. Barry,
Charles C. Beard,
B. O. Becker,
Peter Best, Jr.,
Joe F. Bosworth,
H. Kirby Bourne,
J. C. Byland,
W. T. Cain,
N. B. Chipman,
Bennett Clarke,
J. W. Clay,
W. D. Claybrooke,
Sam. D. Cochran,
H. K. Cole,
W. H. Cole,
Henry M. Cox,
Ed. Croan,
Henry W. Curle,
Charles I. Dawson,
A. L. Denny,
Lawrence J. Diskin,
Thomas Drewry,
W. Reed Embry,
Robert Enlow,
J. A. Frazier,
M. T. Freeman,
Taylor P. Gabbard,
Lloyd W. Gates,
W. J. Gooch,
A. J. Gorham,
John C. Griffith,
Paul Gullion,
James A. Hagan,
W. C. Halbert,
Albert Hamilton,
J. A. Hamon,
C. W. G. Hannah,
L. P. Head,
D. C. Hopper,
W. J. Jackson,
L. F. Johnson,
W. H. Jones,
Wm. F. Klair,
Geo. D. Litsey,
H. M. McCarty,
Virgil McKnight,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
J. M. Mitchell,
V. W. Morris,
James S. Morris,
Ed. Mulcahy,
W. J. Osborne,
C. M. Paynter,
John R. Ray,
M. M. Redwine,
Richard S. Rose,
J. T. Royalty,
S. M. Russell,
J. T. Scott,
Ed. H. Shellman,
Emmet P. Slattery,
W. W. Smith,
W. H. Southall,
John A. Stevens,
Zeb. A. Stewart,
D. P. Taggart,
C. C. Terry,
A. J. Thompson,
C. F. Thornton,
Harry Weitkamp,
T. A. Weldon,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson,
James C. Yaden,
J. A. Yates—83.

The board of contest in the matter of J. A. Dorsey against Chris. Mueller was called, and appeared at the clerk's desk as follows, viz.: W. Reed Embry, H. M. McCarty, John R. Ray, Louis W. Arnett, W. H. Southall, G. D. Litsey and J. A. Frazier, and were sworn by the Speaker of the House of Representatives as required by law.

The board of contest in the matter of L. B. Wehle against James A. Hagan was called, and appeared at the clerk's desk as follows, viz.: W. H. Jones, Lloyd W. Gates, W. J. Gooch, T. A. Weldon,

Wm. Wilt, Joe F. Bosworth and Henry W. Curle, and were sworn by the Speaker of the House of Representatives as required by law.

The board of contest in the matter of Lee S. Bernheim against Emmet P. Slattery was called. Messrs. Ion B. Nall and C. W. G. Hannah having been drawn as members of said board on yesterday, and it appearing that the right of each of them to a seat in this House has been contested, they were each excused from service on said board, under and by virtue of resolution of the House of this day.

Therefore, the House proceeded, as required by law, to draw two names to fill said vacancies.

The names of the members present were written on separate pieces of paper, rolled and placed in a box by the clerk in the manner prescribed by law, who, after the same had been well shaken, drew the names of two members of the House therefrom, separately, which were opened and read aloud by the Speaker of the House, viz.: Bennett Clarke and Wm. Wilt.

The board in said case, viz.: R. W. Miller, A. J. Gorham, D. C. Hopper, H. W. Curle, J. A. Yates, Bennett Clarke and Wm. Wilt, appeared at the clerk's desk and were sworn by the Speaker of the House of Representatives as required by law.

The board of contest in the matter of Robt. L. Harris against Ion B. Nall was called.

Mr. Chris Mueller, being excused from service on said board by virtue of the above-named resolution or action of the House,

The House proceeded in like manner as set out above to fill said vacancy, and the name of B. M. Morris was drawn.

The board in said case, viz.: Messrs. Richard S. Rose, J. R. Ray, Virgil McKnight, J. C. Byland, H. Kirby Bourne, W. C. Hal-

bert and B. M. Morris, appeared at the clerk's desk and were sworn by the Speaker of the House of Representatives as required by law.

The board of contest in the matter of B. E. Neal against W. G. Baxter was called.

Messrs. Chris Mueller and Thomas Drewry being excused from service on said board by virtue of the above-named resolution or action of the House,

The House proceeded in like manner, as set out above, to fill said vacancies, and the names of Ed Mulcahy and Louis W. Arnett were drawn.

The board of contest in said case, viz.: J. C. Byland, John Barr, Harry Weitkamp, Lloyd W. Gates, Ed Mulcahy and Louis W. Arnett, appeared at the clerk's desk and were sworn by the Speaker of the House of Representatives as required by law.

Mr. R. C. Simmons, the other member, was not present.

The board of contest in the matter of Geo. A. Dailey against Thomas Drewry was called.

Mr. Ion B. Nall being excused from service on said board by virtue of the above-named resolution or action of the House,

The House proceeded in like manner, as set out above, to fill said vacancy, and the name of Louis W. Arnett was drawn.

The board of contest in said case, viz.: J. M. Alverson, Ed. H. Shellman, W. C. Halbert, Paul Gullion, Charles I. Dawson, C. M. Paynter and Louis W. Arnett, appeared at the clerk's desk and were sworn by the Speaker of the House of Representatives as required by law.

The board of contest in the matter of T. J. Slaton against D. P. Taggart was called.

Mr. Chris Mueller being excused from service on said board by virtue of the resolution or action of the House above named,

The House proceeded in like manner, as above set out, to fill said vacancy, and the name of John A. Stevens was drawn.

The board of contest in said case, viz.: Albert Hamilton, J. T. Royalty, Wm. Wilt, Ed. Mulcahy, L. F. Johnson, W. T. Cain and John A. Stevens, appeared at the clerk's desk and were sworn by the Speaker of the House of Representatives as required by law.

The board of contest in the matter of Wm. M. Howard against James G. Yaden was called.

Mr. James A. Hagan being excused from service on said board by virtue of the above-named resolution or action of the House,

The House proceeded in like manner, as above set out, to fill said vacancy, and the name of J. W. Clay was drawn.

The board of contest in said case, viz.: Munnell Wilson, W. H. Southall, W. J. Gooch, Wm. Wilt, J. T. Scott and J. W. Clay, appeared at the clerk's desk and were sworn by the Speaker of the House of Representatives as required by law.

Mr. Simmons, the other member, was not present.

The board of contest in the matter of J. H. Charles against Moses Campbell was called, and the members thereof, viz.: H. M. Cox, M. M. Redwine, Virgil McKnight, Bennett Clarke and Ed. H. Shellman, appeared at the clerk's desk and were sworn by the Speaker of the House of Representatives as required by law.

Messrs. B. P. Grigsby and Henry G. Overstreet were not present.

The board of contest in the matter of J. L. Howell against Will A. Young, Thos. P. Barbour against Will A. Young, was called, and the members thereof, viz.: H. M. McCarty, W. T. Cain, W. H.

Jones, Richard S. Rose, J. M. Mitchell, M. M. Redwine and Bennett Clarke, appeared at the clerk's desk and were sworn by the Speaker of the House of Representatives as required by law.

The board of contest in the matter of J. P. Munsey against John C. Griffith was called and the members thereof, viz.: H. M. Cox, H. Kirby Bourne, A. J. Gorham, J. M. Alverson, W. J. Jackson, E. Barry and Charles I. Dawson, appeared at the clerk's desk and were sworn as required by law.

The board of contest in the matter of W. T. Cole against C. W. G. Hannah was called.

Messrs. Chris Mueller and James A. Hagan being excused from service on said board by virtue of the above-named resolution or action of the House,

The House proceeded in like manner, as above set out, to fill said vacancies, and the names of W. D. Claybrooke and J. T. Wilson were drawn.

The board of contest in said case, viz.: Lloyd W. Gates, B. M. Morris, H. Kirby Bourne, S. M. Russell, W. D. Claybrooke and J. T. Wilson, appeared at the clerk's desk and were sworn by the Speaker of the House of Representatives as required by law.

Mr. Stone, the other member thereof, was not present.

The board of contest in the matter of Robert H. Meng against H. H. Griffin was called, and the members thereof, viz.: J. A. Frazier, J. B. Wicker, Richard S. Rose, E. Barry, Peter Best, Jr., Sam D. Cochran and Ed. H. Shellman, appeared at the clerk's desk and were sworn by the Speaker of the House of Representatives as required by law.

Mr. Scott offered the following resolution, viz.:

Resolved, That each committee in the several contests now be-

fore this House be, and is hereby, directed to embody in each of their several reports to the said House an expression of opinion as to the amount of expenses of said contest that should be allowed to each, the contestant and contestee, in each case considered by the committee of same.

Which was adopted.

A message was received from the Senate announcing that they had concurred in the resolution adopted by the House on this day, providing for an adjournment of the two Houses on this day until next Monday at 12 o'clock m.

And then the House adjourned.

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## MONDAY, JANUARY 8, 1906.

The House was opened with prayer by Rev. M. B. Adams, pastor of the Baptist church at Frankfort, Ky.

The reading of the Journal of yesterday's proceedings was dispensed with.

Leave of absence for an indefinite time was granted Messrs. Cochran and Yates.

Mr. Claybrooke offered the following joint resolution, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky, That the State Librarian be, and she is hereby, directed to purchase a sufficient number of copies of the latest editions of the Kentucky Statutes and Carroll's Codes of Practice of Kentucky, for each chairman of Senate and House committee, and the Official Manual of Kentucky, one copy of each of the said manual to every Senator and member of the House of Representatives; and that the Auditor of State, on the approval of the State Libra-

rian, is hereby directed to draw a voucher for the purchase price of said books on the treasury of the State for the payment of same.

Which was read and ordered to lie over one day.

Mr. J. M. Robertson, Representative from the city of Bowling Green, appeared at the clerk's desk and took the oath as member of this House.

Mr. McCarty offered the following resolution, viz.:

Resolved by the House of Representatives of Kentucky, That a standing committee to be known as the Standing Committee on Public Monuments and Historical Records, be added to the list of standing committees of the House of Representatives, and that the Speaker of the House is hereby authorized to appoint the members of said committee or any other committee.

Which was adopted.

Mr. Thompson called up for consideration from the clerk's desk the resolution offered on last Thursday by Mr. Mitchell.

(See Journal of Thursday, January 4th.)

Mr. Gooch offered the following amendment to said resolution, viz.:

The time of the clerk of the contest committees, provided for herein, shall expire and his pay shall cease when the various contest committees have finished their work and made their reports.

Mr. Drewry moved that said resolution and amendment be laid on the table.

Said motion was agreed to.

The following members, who were drawn and selected as mem-

bers of boards of contest for determining the right to seats in this House, and who were absent on last Thursday, when the other members of said boards were sworn, appeared at the clerk's desk and were sworn by the Speaker of the House of Representatives as required by law, viz.:

Mr. R. C. Simmons, member of the board of contest in the case of B. E. Neal against W. G. Baxter.

Mr. R. C. Simmons, member of the board in the case of Wm. M. Howard against Jas. G. Yaden.

Messrs. B. P. Grigsby, Sr., and Henry G. Overstreet, members of the board in the case of J. H. Charles against Moses Campbell.

Mr. Geo. W. Stone, member of the board in the case of W. T. Cole against C. W. G. Hannah.

The Speaker announced the following as the standing committees of the House of Representatives, viz.:

Rules.—Henry R. Lawrence, Chairman ex officio; W. J. Gooch, W. A. Young, M. M. Redwine, George S. Wilson, Louis W. Arnett, Zeb. A. Stewart, L. F. Johnson, J. T. Scott.

Judiciary.—R. C. Simmons, Chairman; R. W. Miller, W. H. Southall, Henry W. Curle, Zeb A. Stewart, L. F. Johnson, W. Reed Embry, H. K. Bourne, W. C. Halbert.

State Prisons and Houses of Reform.—C. C. Terry, Chairman; L. F. Johnson, J. M. Robertson, Paul Gullion, Roger P. Blair, S. M. Russell, J. B. Wicker, Munnell Wilson, W. H. Jones.

Ways and Means.—J. B. Wicker, Chairman; J. T. Royalty, John R. Ray, Chris Mueller, W. J. Jackson, E. Barry, Bennett Clarke, W. H. Cole, Albert Hamilton.

Public Morals.—Robert Enlow, Chairman; J. T. Wilson, E.

Barry, John Barr, C. C. Terry, J. M. Robertson, Lawrence J. Diskin, John R. Ray, W. H. Jones.

Kentucky Statutes.—M. M. Redwine, Chairman; M. H. McLean, George D. Litsey, Chas. I. Dawson, Virgil McKnight, Lloyd W. Gates, James S. Morris, W. D. Claybrooke, Richard S. Rose.

Internal Improvements.—H. K. Cole, Chairman; J. W. Clay, S. D. Cochran, J. A. Frazier, A. J. Gorham, John C. Griffith, James M. Hagan, D. C. Hopper, Paul Gullion.

Municipalities.—M. H. McLean, Chairman; Lawrence J. Diskin, L. P. Head, W. F. Klair, W. G. Baxter, Charles I. Dawson, J. M. Robertson, W. W. Smith, H. K. Cole.

Cities of the Fourth, Fifth and Sixth Classes.—Zeb A. Stewart, Chairman; Geo. D. Litsey, B. P. Grigsby, Sr., Ed. Mulcahy, Roger P. Blair, Ed. Croan, H. M. McCarty, C. C. Terry, Joe F. Bosworth.

Sinking Fund.—Roger P. Blair, Chairman; J. A. Hamon, A. J. Gorham, Ed. H. Shellman, John A. Stevens, W. T. Wright, N. B. Chipman, William Wilt, W. H. Cole.

Propositions and Grievances.—C. M. Paynter, Chairman; J. T. Royalty, W. J. Jackson, E. Barry, M. T. Freeman, Chris Mueller, John R. Ray, Albert Hamilton, D. P. Taggart.

Education No. 1.—Henry C. Miller, Chairman; George D. Litsey, George W. Stone, R. W. Miller, M. H. McLean, Harry M. McCarty, Chas. I. Dawson, W. G. Baxter, C. W. G. Hannah.

Education No. 2.—George W. Stone, Chairman; John A. Stevens, Munnell Wilson, Robert Enlow, J. M. Hagan, M. P. Freeman, Moses Campbell, D. C. Hopper, Taylor Gabbard.

Agriculture.—A. J. Thompson, Chairman; I. B. Nall, Ed. Mulcahy, Robert Enlow, Hub L. Stevens, Ed. Croan, Paul Gullion, John R. Ray, W. H. Jones.

Banks and Banking.—J. T. Wilson, Chairman; J. M. Mitchell.

J. C. Byland, Ed. H. Shellman, J. T. Scott, Henry W. Curle, J. M. Robertson, Hub L. Stevens, N. B. Chipman.

Land Titles.—Henry Cox, Chairman; W. D. Claybrooke, J. B. Wicker, Virgil McKnight, L. W. Gates, E. Barry, C. F. Thornton, Richard S. Rose, B. O. Becker.

Corporate Institutions.—George S. Wilson, Chairman; W. A. Young, A. J. Thompson, J. M. Mitchell, W. J. Gooch, S. M. Russell, H. K. Bourne, J. A. Hamon, J. C. Byland.

Appropriations.—Ed. H. Shellman, Chairman; L. P. Head, W. H. Southall, W. J. Gooch, J. T. Scott, Robert Enlow, H. M. McCarty, J. A. Frazier, A. J. Thompson.

Railroads.—Ed. Croan, Chairman; W. A. Young, T. A. Weldon, Chas. I. Dawson, B. P. Grigsby, Sr., C. F. Thornton, J. W. Clay, Henry C. Miller, I. B. Nall.

Revenue and Taxation.—W. J. Gooch, Chairman; James S. Morris, Henry M. Cox, J. M. Alverson, B. P. Grigsby, Sr., L. F. Johnson, Henry C. Miller, J. M. Mitchell, W. Reed Embry.

Claims.—J. M. Mitchell, Chairman; Ed. H. Shellman, W. T. White, Chris Mueller, Robert Enlow, John R. Ray, S. D. Cochran, Charles C. Beard, John C. Griffith.

Court of Appeals.—James S. Morris, Chairman; W. T. White, W. Reed Embry, H. K. Bourne, L. W. Arnett, Lloyd W. Gates, Henry W. Curle, W. J. Osborne, A. L. Denny.

Constitutional Amendments.—Charles I. Dawson, Chairman; Thomas Drewry, John Barr, Lawrence J. Diskin, Emmett P. Slattery, W. T. White, James M. Hagan, W. C. Halbert, C. W. G. Hannah.

Classification of Cities and Towns.—W. D. Claybrooke, Chairman; J. A. Hamon, W. H. Southall, M. H. McLean, S. D. Cochran, W. J. Jackson, Albert Hamilton, Moses Campbell, D. P. Taggart.

Military Affairs.—T. A. Weldon, Chairman; W. H. Southall, S. M. Russell, Peter Best, L. W. Arnett, A. J. Thompson, George S. Wilson, W. A. Young, Joe F. Bosworth.

State Capitol.—S. M. Russell, Chairman; L. F. Johnson, W. J. Gooch, T. A. Weldon, Louis W. Arnett, M. M. Redwine, Henry M. Cox, Henry C. Miller, Joe F. Bosworth.

Circuit Courts.—Louis W. Arnett, Chairman; Geo. D. Litsey, George S. Wilson, W. D. Claybrooke, Virgil McKnight, Lawrence J. Diskin, Emmett P. Slattery, Roger P. Blair, W. J. Cain.

Public Health.—J. T. Scott, Chairman; Chris Mueller, W. W. Smith, C. F. Thornton, C. M. Paynter, H. K. Cole, Peter Best, W. J. Jackson, J. A. Yates.

Mines and Mining.—W. T. Wright, Chairman; Munnell Wilson, L. P. Head, H. G. Overstreet, J. T. Wilson, Charles C. Beard, Bennett Clarke, A. L. Denny, D. P. Taggart.

Suffrage and Elections.—Geo. D. Litsey, Chairman; J. W. Clay, T. A. Weldon, J. Hal Woodford, Thomas Drewry, Henry M. Cox, Harry Weitkamp, W. W. Smith, H. H. Griffin.

Federal Relations.—Munnell Wilson, Chairman; J. Hal Woodford, Peter Best, N. B. Chipman, V. M. Morris, C. M. Paynter, W. H. Jones, William Wilt, James C. Yaden.

Printing.—H. M. McCarty, Chairman; L. P. Head, J. M. Alverson, George W. Stone, Roger P. Blair, W. G. Baxter, W. F. Klair, William Wilt, H. H. Griffin.

Insurance.—J. C. Byland, Chairman; M. M. Redwine, B. P. Grigsby, Sr., R. C. Simmons, J. M. Alverson, W. J. Gooch, R. W. Miller, Hub L. Stevens, B. O. Becker.

Retrenchment and Reform.—C. F. Thornton, Chairman; A. J. Gorham, Emmett P. Slattery, J. A. Frazier, Peter Best, John B. Wicker, Harry Weitkamp, J. T. Royalty, James C. Yaden.

County and City Courts.—Lawrence J. Diskin, Chairman; Henry Overstreet, Ed. Mulcahy, John A. Stevens, W. T. Wright, W. T. White, William Wilt, N. B. Chipman, W. J. Cain.

Charitable Institutions.—W. H. Southall, Chairman; W. Reed Embry, W. T. Wright, J. M. Alverson, Ed. H. Shellman, A. J. Thompson, George W. Stone, T. A. Weldon, M. M. Redwine.

Executive Affairs.—J. A. Hamon, Chairman; J. T. Wilson, Lloyd W. Gates, Ed. Croan, Charles C. Beard, J. A. Frazier, Virgil McKnight, I. B. Nall, A. L. Denny.

Legislative Accounts.—Paul Gullion, Chairman; W. F. Klair, J. M. Mitchell, Ed. Croan, W. T. Wright, J. A. Yates, W. H. Cole, C. W. G. Hannah, M. T. Freeman.

Immigration and Labor.—L. P. Head, Chairman; Thos. Drewry, Munnell Wilson, W. W. Smith, M. H. McLean, Harry Weitkamp, J. T. Royalty, N. B. Chipman, John Griffith.

Criminal Law.—Will A. Young, Chairman; James S. Morris, Thomas Drewry, W. H. Southall, Zeb A. Stewart, Lloyd W. Gates, W. J. Osborne, Richard S. Rose, W. C. Halbert.

Commerce and Manufacturing.—Peter Best, Chairman; J. Hal. Woodford, J. W. Clay, R. C. Simmons, Hub L. Stevens, John Barr, H. K. Cole, Joe F. Bosworth, V. M. Morris.

A. and M. College.—J. M. Alverson, Chairman; W. F. Klair, H. M. McCarty, J. T. Wilson, John Barr, Emmett P. Slattery, Paul Gullion, Taylor Gabbard, S. D. Cochran.

Library and Public Offices.—L. F. Johnson, Chairman; W. F. Klair, John A. Stevens, J. C. Byland, W. J. Osborne, H. K. Bourne, Taylor Gabbard, C. M. Paynter, James C. Yaden.

Public Warehouses and Granaries.—J. W. Clay, Chairman; J. Hal Woodford, James M. Hagan, Ed. Mulcahy, Henry G. Overstreet, A. J. Gorham, V. W. Morris, Bennett Clarke, Albert Hamilton.

Codes of Practice.—R. W. Miller, Chairman; R. C. Simmons, Henry W. Curle, S. M. Russell, W. D. Claybrooke, Zeb A. Stewart, Emmett P. Slattery, George S. Wilson, B. O. Becker.

Redistricting.—J. M. Robertson, Chairman; J. M. Alverson, Will A. Young, J. T. Scott, Henry C. Miller, C. C. Terry, R. C. Simmons, Henry G. Overstreet, D. C. Hopper.

Fish, Game and Forestry.—W. Reed Embry, Chairman; Virgil McKnight, J. A. Hamon, R. W. Miller, S. D. Cochran, J. C. Byland, H. K. Bourne, M. F. Campbell, H. H. Griffin.

Geological Survey.—W. G. Baxter, Chairman; C. F. Thornton, W. J. Osborne, J. B. Wicker, W. D. Claybrooke, Henry M. Cox, J. A. Yates, Harry Weitkamp, W. J. Cain.

Enrollments.—I. B. Nall, Chairman; C. F. Thornton, M. H. McLean, George W. Stone, B. O. Becker.

Mr. Claybrooke moved that two hundred and fifty (250) copies of the list of committees be printed for use of the House and Senate.

Said motion was agreed to.

On motion of Mr. Gooch, the House then adjourned.

TUESDAY, JANUARY 9, 1906.

The House was opened with prayer by Rev. M. B. Adams, pastor of the Baptist church at Frankfort, Ky.

The reading of the Journal of yesterday's proceedings was dispensed with.

Upon the call of the counties and Representative districts, the following bills were introduced and referred to the various committees as follows, viz.:

By Mr. James S. Morris:

H. B. 1. An act relating to revenue and taxation.

Referred to Committee on Revenue and Taxation.

By Mr. White:

H. B. 2. An act to amend section 4313, Kentucky Statutes, title "Public Roads."

Referred to Committee on Internal Improvements.

By same:

H. B. 3. An act to amend section 2118 of the Kentucky Statutes, title "Husband and Wife."

Referred to Committee on Judiciary.

By same:

H. B. 4. An act to amend section 606, Civil Code of Practice.

Referred to Committee on Codes of Practice.

By same:

H. B. 5. An act to amend section 420 of the Civil Code of Practice.

Referred to Committee on Codes of Practice.

By Mr. Terry:

H. B. 6. An act entitled an act prohibiting the sale of wild turkeys, pheasants, grouse, partridge and quail within the State of Kentucky.

Referred to Committee on Fish, Game and Forestry.

By same:

H. B. 7. An act to amend and re-enact an act, entitled An act to regulate elections in the Commonwealth of Kentucky, approved June 30, 1892.

Referred to Committee on Suffrage and Elections.

By same:

H. B. 8. An act providing for the striking out of section 32 of the Criminal Code of Practice and inserting in lieu thereof a subjoined section.

Referred to Committee on Codes of Practice.

By Mr. Embry:

H. B. 9. An act to amend an act regulating the terms of court in the Thirteenth Judicial District.

Referred to Committee on Circuit Courts.

By same:

H. B. 10. An act to purchase a parcel of ground on the Perryville battlefield.

Referred to Committee on Appropriations.

By same:

H. B. 11. An act to amend an act to amend an act, entitled An act to regulate elections in this Commonwealth.

Referred to Committee on Suffrage and Elections.

By same:

H. B. 12. An act providing for capital punishment for housebreaking in the night time.

Referred to Committee on Criminal Law.

By same:

H. B. 13. An act to further regulate corporations not created under the laws of this Commonwealth, which do business in the State.

Referred to Committee on Corporate Institutions.

By same:

H. B. 14. An act for the benefit of the Kentucky School for the Deaf.

Referred to the Committee on Charitable Institutions.

By Mr. Weldon:

H. B. 15. An act entitled an act to abolish a graded common school system.

Referred to Committee on Education No. 2.

By same:

H. B. 16. An act giving effect to section 199 of the Constitution of Kentucky with reference to telephone lines and the operation thereof.

Referred to Committee on Corporate Institutions.

By same:

H. B. 17. An act relating to the lighting of bridges and railroads in the towns and cities of this Commonwealth.

Referred to Committee on Railroads.

By Mr. Griffith:

H. B. 18. An act appropriating the sum of $20,000 to be applied to the repair of the monument of Henry Clay in the cemetery at Lexington, and to provide for a commission to contract for and execute the work.

Referred to Committee on Public Monuments and Historical Records.

By Mr. Croan:

H. B. 19. An act to amend an act approved February 11, 1904, and entitled An act to amend an act, entitled An act to regulate elections in this Commonwealth, approved June 30, 1892.

Referred to Committee on Suffrage and Elections.

By same:

H. B. 20. An act to promote the sheep industry and provide a tax on dogs.

Referred to Committee on Agriculture.

By Mr. Stewart:

H. B. 21. An act to prohibit express companies and other common carriers from making overcharges on freight and express.

Referred to Committee on Railroads.

By same:

H. B. 22. An act to amend section 1 of chapter 107 of the Acts of 1904.

Referred to Committee of Fish, Game and Forestry.

By same:

H. B. 23. An act to amend section 74 of the Civil Code of Practice.

Referred to Committee on Codes of Practice.

By same:

H. B. 24. An act to repeal an act approved March 18, 1904, amending an act which become a law February 27, 1894.

Referred to Committee on Fish, Game and Forestry.

By same:

H. B. 25. An act to repeal section 1947 of the Kentucky Statutes.

Referred to Committee on Fish, Game and Forestry.

By same:

H. B. 26. An act to amend section 4232 of Kentucky Statutes.

Referred to Committee on Insurance.

By same:

H. B. 27. An act to repeal section 281 of the Criminal Code.

Referred to Committee on Codes of Practice.

By same:

H. B. 28. An act to repeal section 1944 of the Kentucky Statutes.

Referred to Committee on Fish, Game and Forestry.

By Mr. Diskin:

H. B. 29. An act to amend an act, entitled An act relating to executions.

Referred to Committee on Kentucky Statutes.

By same:

H. B. 30. An act to compel the using of blowers on metal-polishing machinery.

Referred to Committee on Immigration and Labor.

By same:

H. B. 31. An act to regulate the manner of taking testimony in suits for divorce and to provide for the payment of costs therein.

Referred to Committee on Judiciary.

By same:

H. B. 32. An act to amend the charters of the cities of the second class in this Commonwealth and to provide for assistant treasurers therein.

Referred to Committee on Municipalities.

By Mr. Redwine:

H. B. 33. An act to fix a tax on pardons for carrying concealed deadly weapons.

Referred to Committee on Kentucky Statutes.

By same:

H. B. 34. An act to fix a penalty for the burglary of safes, etc.

Referred to Committee on Common Law.

By Mr. Southall:

H. B. 35. An act to appropriate funds for the improvement of the Western Kentucky Asylum for the Insane.

Referred to Committee on Charitable Institutions.

By Mr. Stevens:

H. B. 36. An act to amend section 1214 of the Kentucky Statutes.

Referred to Committee on Common Law.

By same:

H. B. 37. An act to amend section 1155 of the Kentucky Statutes.

Referred to Committee on Common Law.

By same:

H. B. 38. An act to amend section 2117 of the Kentucky Statutes.

Referred to the Committee on Judiciary.

By Mr. Overstreet:

H. B. 39. An act to amend section 2 of an act empowering the county courts of this Commonwealth to authorize the drainage of lands when the same shall be conducive to the public health or convenience of the inhabitants, approved March 23, 1900, same being article 8, chapter 76, Kentucky Statutes.

Referred to Committee on Internal Improvements.

By same:

H. B. 40. An act regulating the testing, grading, weighing, willing, selling and purchase of wheat.

Referred to Committee on Warehouse and Granaries.

By same:

H. B. 41. An act to amend section 1 of an act empowering the county courts of this Commonwealth to authorize the drainage of lands, where the same shall be conducive to the public health or convenience of its inhabitants, approved March 23, 1900, same being article 8, chapter 76, Kentucky Statutes.

Referred to Committee on Internal Improvements.

By same:

H. B. 42. An act to repeal an act, entitled An act to provide for the improvement and development of live stock, agricultural and kindred interests by the establishment and maintenance of a State Fair, which became a law without the signature of the Governor March 29, 1902.

Referred to the Committee on Agriculture.

By Mr. Gorham:

H. B. 43. An act appropriating $20,000 for the repair of the Henry Clay monument and the construction of a suitable statue to surmount same.

Referred to Committee on Public Monuments and Historical Records.

By Mr. Klair:

H. B. 44. An act to amend section 31 of article 4 of an act, entitled An act for the government of cities of the second class in the Commonwealth of Kentucky, approved March of 1894, said section being section 3105 of the Kentucky Statutes 1903."

Referred to Committee on Municipalities.

By same:

H. B. 45. An act to amend and re-enact section 22 of article 4 of an act, entitled An act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894, said section being section 3096 of the Kentucky Statutes 1903.

Referred to Committee on Municipalities.

By same:

H. B. 46. An act to amend and re-enact sections 1 and 8 of article 8 of an act, entitled An act for the government of cities of the second class in the Commonwealth of Kentucky, approved March, 1904, as amended by sections 1 and 2, respectively, of an act, entitled An act to amend chapter 89 of the Kentucky Statutes, entitled "Municipal Corporations," which became a law without the approval of the Governor March 29, 1902, same being sections 3174 and 3181 of the Kentucky Statutes.

Referred to Committee on Municipalities.

By same:

H. B. 47. An act to amend sections 9, 11 and 13 of an act, entitled An act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894, said sections being 3050, 3052, 3054, respectively, of the Kentucky Statutes, 1903.

Referred to Committee on Municipalities.

By same:

H. B. 48. An act to amend and re-enact section 27 of article 4 of an act, entitled An act for the government of the cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894, being section 3101 of the Kentucky Statutes.

Referred to Committee on Municipalities.

By same:

H. B. 49. An act to provide for an appropriation for the erec-

tion and equipment of buildings for the use of the Agricultural Department and of the Normal School of the A. and M. College of Kentucky.

Referred to the Committee on A. and M. College.

By Mr. Wilt:

H. B. 50. An act to repeal the charter of Elizaville, Fleming county, Ky.

Referred to Committee on Cities of the Fourth, Fifth and Sixth Classes.

By same:

H. B. 51. An act to amend an act, entitled An act to regulate elections in this Commonwealth, approved June 30, 1892, approved February 11, 1904.

Referred to Committee on Suffrage and Elections.

By Mr. Johnson:

H. B. 52. An act to amend sections 4502 and 4503 of the Kentucky Statutes.

Referred to Committee on Education No. 1.

By same:

H. B. 53. An act requiring the publication of formulas of all proprietary medicines.

Referred to Committee on Public Health.

By same:

H. B. 54. An act to tax gifts, legacies and collateral inheritances in certain cases.

Referred to Committee on Revenue and Taxation.

By same:

H. B. 55. An act to amend section 4258 of the Kentucky Statutes, empowering the Auditor of Public Accounts to remove revenue agents at will.

Referred to Committee on Revenue and Taxation.

By Mr. Ray:

H. B. 56. An act to amend section 3483, Kentucky Statutes, article 5, chapter 89.

Referred to Committee on Cities of the Fourth, Fifth and Sixth Classes.

H. B. 57. An act to amend section 1055, Kentucky Statutes.

Referred to Committee on County and City Courts.

By Mr. Litsey:

H. B. 58. An act relating to the introduction of evidence in actions where punitive damages are allowed.

Referred to Committee on Kentucky Statutes.

By Mr. H. C. Miller:

H. B. 59. An act to prevent bird-dogs from running at large.

Referred to Committee on Fish, Game and Forestry.

By Mr. Bourne.

H. B. 60. An act amending section 1 of an act to prevent the adulteration, mixing and misbranding of orchard grass and other seeds, including timothy seed and punishment therefor.

Referred to Committee on Judiciary.

By same:

H. B. 61. An act relating to annulling charters of towns of the sixth class.

Referred to Committee on Cities of the Fourth, Fifth and Sixth Classes.

By same:

H. B. 62. An act relating to special judges, amending section 969 of Kentucky Statutes.

Referred to Committee on Judiciary.

By same:

H. B. 63. An act relating to registration in towns of the fifth and sixth classes, amending section 1486 of Kentucky Statutes.

Referred to Committee on Judiciary.

By same:

H. B. 64. An act relating to suffrage and elections, by amending section 145 of the Constitution.

Referred to Committee on Judiciary.

By same:

H. B. 65. An act relating to contests of members of branches of the General Assembly.

Referred to Committee on Judiciary.

By same:

H. B. 66. An act relating to mechanics and material men, amending section 2468 of Kentucky Statutes.

Referred to Committee on Judiciary.

By same:

H. B. 67. An act relating to assault with the intent to rob, amending section 116 of Kentucky Statutes.

Referred to Committee on Judiciary.

By same:

H. B. 68. An act relating to negotiable instruments, amending section 1841 of said act, approved March 24, 1904, by striking out said section.

Referred to Committee on Judiciary.

By same:

H. B. 69. An act to provide for the publication of the receipts and expenditures of sixth-class towns.

Referred to Committee on Printing.

By Mr. Klair:

H. B. 70. An act to amend section 3176 of Kentucky Statutes.

Referred to Committee on Municipalities.

By Mr. Gates:

H. B. 71. An act creating the office of assistant county attorney in counties having a population of 150,000 or over, and prescribing the qualifications, powers, duties and compensation thereof.

Referred to Committee on Kentucky Statutes.

By Mr. Slattery:

H. B. 72. An act regulating the carrying on of business under an assumed or fictitious name.

Referred to Committee on Kentucky Statutes.

By same:

H. B. 73. An act to amend section 1847 of the Kentucky Statutes concerning fiscal courts.

Referred to Committee on County and City Courts.

By same:

H. B. 74. An act to amend section 900 of the Kentucky Statutes concerning costs.

Referred to Committee on Kentucky Statutes.

By same:

H. B. 75. An act concerning divorce.

Referred to Committee on Judiciary.

By Mr. Nall:

H. B. 76. An act to amend and re-enact an act to provide for the inspection of nursery stock and to prevent the dissemination of noxious insects and fungi.

Referred to Committee on Agriculture.

By Mr. Baxter:

H. B. 77. An act amending section 1055 of the Kentucky Statutes of the edition compiled by Hon. John D. Carroll and issued in 1903.

Referred to Committee on Municipalities.

By Mr. Drewry:

H. B. 78. An act to prohibit office holders, appointive or elective, from serving on the governing committees of political parties.

Referred to Committee on Kentucky Statutes.

By same:

H. B. 79. An act in relation to the assignment of wages or salary.

Referred to Committee on Kentucky Statutes.

By same:

H. B. 80. An act to amend section 664, subdivision 3 of article 4, chapter 32, of the Kentucky Statutes.

Referred to Committee on Insurance.

By same:

H. B. 81. An act to amend section 679, subdivision 3, article 4 of Chapter 32, of the Kentucky Statutes.

Referred to Committee on Insurance.

By Mr. Simmons:

H. B. 82. An act to provide for the payment of interest and to create a sinking fund for the ultimate redemption of county bonds issued for the benefit of certain turnpike taxing districts.

Referred to Committee on Judiciary.

By same:

H. B. 83. An act to amend section 25 of article 7, act entitled An act relating to revenue and taxation, which became a law

March 29, 1902, said section being known as section 4153 of the Kentucky Statutes.

Referred to Committee on Revenue and Taxation.

By same:

H. B. 84. An act requiring children to aid in the support of their indigent parents.

Referred to Committee on Kentucky Statutes.

By same:

H. B. 85. An act to further specify the duties of the Labor Inspector.

Referred to Committee on Immigration and Labor.

By same:

H. B. 86. An act to amend an act, entitled An act to further regulate the Bureau of Agriculture, Labor and Statistics.

Referred to Committee on Kentucky Statutes.

By Mr. McLean:

H. B. 87. An act to amend an act, entitled An act for the government of cities of the second class in the Commonwealth of Kentucky.

Referred to Committee on Municipalities.

By same:

H. B. 88. An act to amend an act, entitled An act for the government of cities of the second class in the Commonwealth of Kentucky.

Referred to Committee on Municipalities.

By same:

H. B. 89. An act to amend section 347 of the Criminal Code of Practice.

Referred to Committee on Codes of Practice.

By same:

H. B. 90. An act to amend section 950 of Kentucky Statutes of 1903 as compiled and edited by John D. Carroll.

Referred to Committee on Judiciary.

By same:

H. B. 91. An act to amend an act, entitled An act for the government of cities of the second class in the Commonwealth.

Referred to Committee on Municipalities.

By same:

H. B. 92. An act to amend an act, entitled An act to make it unlawful to employ a child less than fourteen years of age in workshops, mines, mills and factories.

Referred to Committee on Immigration and Labor.

By Mr. Arnett:

H. B. 93. An act concerning circuit courts having continuous sessions and two judges.

Referred to Committee on Circuit Courts.

By same:

H. B. 94. An act to authorize and to add one additional judge to the circuit court for the Sixteenth Circuit Court District and providing for the appointment and election thereof.

Referred to Committee on Circuit Courts.

By Mr. Rose:

H. B. 95. An act creating the Thirty-second Judicial District of Kentucky, fixing the time of holding the courts thereof, providing for the election of a circuit judge and Commonwealth's attorney, and changing the Twenty-seventh and Twenty-eighth Judicial Districts of Kentucky so as to provide for said Thirty-second District and fixing the time for holding the courts in said Twenty-seventh and Twenty-eighth Districts.

Referred to Committee on Circuit Courts.

By Mr. Enlow:

H. B. 96. An act to prevent unjust discrimination by transportation companies.

Referred to Committee on Railroads.

By same:

H. B. 97. An act to carry into effect section 197 of the State Constitution.

Referred to Committee on Railroads.

By Mr. Yaden:

H. B. 98. An act creating a commission to re-arrange and codify the common school laws.

Referred to Committee on Education No. 1.

By Mr. Alverson:

H. B. 99. An act to require owners of dams across certain streams in this Commonwealth to construct and maintain fish ladders as roads across said dams, and providing penalties for failure so to do.

Referred to Committee on Agriculture.

By same:

H. B. 100. An act to amend section 9, chapter 63, of the Acts of 1902, which became a law March 21, 1902.

Referred to Committee on Education No. 2.

By Mr. Dawson:

H. B. 101. An act prohibiting the unlawful destruction or taking from the premises of another tobacco plants growing on the bed.

Referred to Committee on Criminal Law.

By same:

H. B. 102. An act providing for an examination of State and private banks and regulating the examination thereof.

Referred to Committee on Banks and Banking.

By same:

H. B. 103. An act to provide for paying the expenses of the State Superintendent when visiting different parts of the State in the interest of education.

Referred to Committee on Education No. 1.

By Mr. Barry:

H. B. 104. An act to amend section 1403 of the Kentucky Statutes for the benefit of the widows and infant children of this Commonwealth.

Referred to the Committee on Kentucky Statutes.

By R. W. Miller:

H. B. 105. An act to prevent the desecration and improper use of the flag of the United States.

Referred to Committee on Federal Relations.

By same:

H. B. 106. An act to amend subsection No. 7 of section 57 of the Civil Code of Practice.

Referred to Committee on Codes of Practice.

By same:

H. B. 107. An act appropriating $2,500 for the erection of a monument at Boonesboro, Ky., and the purchase of the necessary ground in which to locate same, and creating a commission to carry out the work.

Referred to Committee on Public Monuments and Historical Records.

By same:

H. B. 108. An act to amend section 4570, Kentucky Statutes.

Referred to Committee on Education No. 1.

By same:

H. B. 109. An act to create the Thirty-second Judicial District of Kentucky and to change the Twenty-sixth, Twenty-seventh and Twenty-eighth Circuit Judicial Districts of Kentucky and to provide for holding the courts in the said Twenty-sixth, Twenty-seventh, Twenty-eighth and Thirty-second Districts, and to provide for judges and Commonwealth's attorneys for the same.

Referred to Committee on Circuit Courts.

By same:

H. B. 110. An act providing for the continuation of the geological, topographical and agricultural survey of the State of Kentucky, and for the continuation of topographical surveys in co-operation with the United States Geological Survey.

Referred to Committee on Geological Survey.

By same:

H. B. 111. An act to further regulate actions for personal injuries.

Referred to Committee on Kentucky Statutes.

By same:

H. B. 112. An act to establish a system of State normal schools in Kentucky, to divide the Commonwealth into three normal school districts, to create a board of regents for the general management of each school and to create a normal executive council which shall determine the requirements for admission and graduation and the course of study for all the normal schools.

Referred to Committee on Education No. 1.

By Mr. McKnight:

H. B. 113. An act creating the Thirty-second Judicial District of Kentucky, fixing the time of holding courts thereof, providing for the election of a circuit judge and Commonwealth's attorney and changing the Nineteenth and Twentieth Judicial Districts of

Kentucky so as to provide for said Thirty-second District and fixing the time for holding the courts in said Nineteenth and Twentieth Districts.

Referred to Committee on Circuit Courts.

By same:

H. B. 114. An act to amend section 1846, Kentucky Statutes.

Referred to Committee on Printing.

By same:

H. B. 115. An act to amend section 1532, article 8, chapter 41, Kentucky Statutes, relating to contested elections.

Referred to Committee on Kentucky Statutes.

By same:

H. B. 116. An act to allow telephone companies the right to cut and remove trees by gift, purchase or condemnation proceedings.

Referred to Committee on Corporate Institutions.

By same:

H. B. 117. An act to protect the privacy of telephonic communications.

Referred to Committee on Corporate Institutions.

By same:

H. B. 118. An act to further regulate the construction of telephone lines on the highways.

Referred to Committee on Corporate Institutions.

By same:

H. B. 119. An act to amend section 3588, Kentucky Statutes.

Referred to Committee on Kentucky Statutes.

By same:

H. B. 120. An act to repeal chapter 122 of the Session Acts of 1902.

Referred to Committee on Codes of Practice.

By same:

H. B. 121. An act to amend section 189, article 3, chapter 6, Criminal Code.

Referred to Committee on Codes of Practice.

By Mr. Head:

H. B. 122. An act to amend section 1933, Kentucky Statutes, concerning proclamations by the Governor of rewards for fugitives from justice.

Referred to Committee on Printing.

By Mr. Cox:

H. B. 123. An act, entitled An act to require every legal reserve life insurance company, organized or doing business in this State, to invest so per centum of the total reserve on all outstanding policies hereafter issued upon lives within the State, in securities issued under and by virtue of the laws of the State, or in mortgages upon improved real estate within the State. The investments shall be of the kind and character in which life insurance companies are authorized to invest under the laws of the State.

Referred to Committee on Insurance.

By Mr. Clay:

H. B. 124. An act, entitled An act to require an annual accounting of the surplus of life insurance companies.

Referred to Committee on Insurance.

By Mr. Grigsby:

H. B. 125. An act appropriating funds for the improvements of the Feeble-minded Institute.

Referred to Committee on Charitable Institutions.

By Mr. Thornton:

H. B. 126. An act to amend section 795 of the Kentucky Statutes, relating to railroads.

Referred to Committee on Railroads.

By Mr. Chipman:

H. B. 127. An act providing for the appointment of a truant officer by the trustees of common school districts.

Referred to Committee on Kentucky Statutes.

By same:

H. B. 128. An act to further prevent trespass and depredation.

Referred to Committee on Kentucky Statutes.

By same:

H. B. 129. An act to define and regulate the assessment of stock in corporations incorporated under the laws of Kentucky and of other States and territories of the United States.

Referred to Committee on Revenue and Taxation.

By Mr. Frazier:

H. B. 130. An act to amend section 772, subdivision 2, article 5, of chapter 32, title "Corporations," of Kentucky Statutes.

Referred to Committee on Railroads.

By Mr. Gooch:

H. B. 131. An act to regulate the fees for recording articles of incorporation in the office of the Secretary of State, amendment to section 540 of Kentucky Statutes.

Referred to Committee on Corporate Institutions.

By Mr. Russell:

H. B. 132. An act making certain acts a crime, and to fix a punishment therefor.

Referred to Committee on Criminal Law.

By Mr. Claybrooke:

H. B. 133. An act to amend section 777, Kentucky Statutes, and to re-enact the same as amended.

Referred to Committee on Railroads.

By same:

H. B. 134. An act to amend section 606 of the Civil Code of Practice and to re-enact the same as amended.

Referred to Committee on Codes of Practice.

By Mr. Stone:

H. B. 135. An act to amend subsection 5, section 2412, Kentucky Statutes.

Referred to Committee on Internal Improvements.

By Mr. Mulcahy:

H. B. 136. An act for the benefit of growers and sellers of tobacco.

Referred to Committee on Agriculture.

By Mr. H. C. Miller:

H. B. 137. An act to amend section 4692 of the Kentucky Statutes, being a portion of chapter 126; title "Treasurer of State."

Referred to Committee on Judiciary.

By Mr. Bosworth:

H. B. 138. An act giving effect to section 195 of the Constitution with reference to telephone lines and the operation thereof.

Referred to Committee on Corporate Institutions.

By same:

H. B. 139. An act to amend the Criminal Code regulating continuances.

Referred to Committee on Codes of Practice.

By same:

H. B. 140. An act to amend section 1 of an act, entitled An act regulating the holding of circuit courts in cities larger than county seats and located more than seventeen miles from the county seats.

Referred to Committee on Circuit Courts.

By same:

H. B. 141. An act making it a misdemeanor for failure to pay back transportation to points in Kentucky under contract to perform labor.

Referred to Committee on Kentucky Statutes.

By same:

H. B. 142. An act creating the Thirty-second Judical District of Kentucky.

Referred to Committee on Circuit Courts.

By Mr. Gates:

H. B. 143. An act to continue in force drainage systems established and operated by drainage corporations heretofore in any of the counties of Kentucky.

Referred to Committee on Land Titles.

The Speaker announced the following as the Standing Committee on Public Monuments and Historical Records, viz.: Ed. Mulcahy, Chairman; Harry M. McCarty, W. F. Klair, E. Barry, John A. Stevens, Thomas Drewry, Hub L. Stevens, Taylor P. Gabbard and Charles C. Beard.

At 12 o'clock meridian, Mr. Gooch moved that the House do now proceed to the execution of the special order of the day, to-wit: The naming of one person as Senator in the Congress of the United States from the State of Kentucky to succeed the Hon. Joseph C. S. Blackburn, whose term of office will expire on the 4th day of March, A. D. 1907, said special order being in accordance with the laws of the United States and of the State of Kentucky in such cases made and provided.

Said motion was agreed to.

The roll of members was then called and the following persons answered to their names, viz.:

J. M. Alverson,
Louis W. Arnett,
John Barr,
E. Barry,
W. G. Baxter,
Charles C. Beard,
B. O. Becker,
Peter Best, Jr.,
Roger P. Blair,
Joe F. Bosworth,
H. Kirby Bourne,
J. C. Byland,
W. T. Cain,
M. F. Campbell,
N. B. Chipman,
Bennett Clarke,
J. W. Clay,
W. D. Claybrooke,
H. K. Cole,
W. H. Cole,
Henry M. Cox,
Ed. Croan,
Henry W. Curle,
Charles I. Dawson,
A. L. Denny,
Lawrence J. Diskin,
Thomas Drewry,
W. Reed Embry,
Robert Enlow,
J. A. Frazier,
M. T. Freeman,
Taylor P. Gabbard,
Lloyd W. Gates,
W. J. Gooch,
A. J. Gorham,
H. H. Griffin,
John C. Griffith,
B. P. Grigsby, Sr.,
Paul Gullion,
James A. Hagan,
W. C. Halbert,
Albert Hamilton,
J. A. Hamon,
C. W. G. Hannah,
L. P. Head,
D. C. Hopper,
W. J. Jackson,
L. F. Johnson,
W. H. Jones,
Geo. D. Litsey,
H. M. McCarty,
Virgil McKnight,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
J. M. Mitchell,
V. W. Morris,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
John R. Ray,
M. M. Redwine,
J. M. Robertson,
Richard S. Rose,
J. T. Royalty,
S. M. Russell,
J. T. Scott,
Ed. H. Shellman,
R. C. Simmons,
Emmet P. Slattery,
W. W. Smith,
W. H. Southall,
Hub L. Stevens,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
D. P. Taggart,
C. C. Terry,
A. J. Thompson,
C. F. Thornton,
Harry Weitkamp,
T. A. Weldon,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson,
Wm. Wilt,
J. Hal Woodford,
James C. Yaden,
Speaker Lawrence—94

It appearing that a majority of all the members elected to the House were present, the Speaker announced that nominations for said office are in order.

Mr. Gooch named the Hon. Thomas H. Paynter, of the county of Greenup, as a suitable person to fill said office.

Mr. Halbert named the Hon. W. H. Cox, of the county of Mason, as a suitable person to fill said office.

The House then proceeded, openly, by a viva voce vote of each member present to name one person for Senator in the Congress of the United States from the State of Kentucky as aforesaid, and the vote so taken was as follows, viz.:

Those who voted for Paynter were—

J. M. Alverson,
Louis W. Arnett,
John Barr,
E. Barry,
W. G. Baxter,
Peter Best, Jr.,
Roger P. Blair,
H. Kirby Bourne,
J. C. Byland,
N. B. Chipman,
J. W. Clay,
W. D. Claybrooke,
Henry M. Cox,
Ed. Croan,
Henry W. Curle,
Charles I. Dawson,
Lawrence J. Diskin,
Thomas Drewry,
W. Reed Embry,
Robert Enlow,
J. A. Frazier,
Lloyd W. Gates,
W. J. Gooch,
A. J. Gorham,
B. P. Grigsby, Sr.,
Paul Gullion,
James A. Hagan,
J. A. Hamon,
L. P. Head,
W. J. Jackson,
L. F. Johnson,
Wm. F. Klair,
Geo. D. Litsey,
H. M. McCarty,
Virgil McKnight,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
J. M. Mitchell,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
John R. Ray,
M. M. Redwine,
J. M. Robertson,
J. T. Royalty,
S. M. Russell,
J. T. Scott,
Ed. H. Shellman,
R. C. Simmons,
Emmet P. Slattery,
W. H. Southall,
Hub L. Stevens,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
C. C. Terry,
A. J. Thompson,
C. F. Thornton,
T. A. Weldon,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson,
J. Hal Woodford,
Speaker Lawrence—70

Those who voted for Cox were—

| | | |
|---|---|---|
| Charles C. Beard, | M. T. Freeman, | W. H. Jones, |
| B. O. Becker, | Taylor P. Gabbard, | V. W. Morris, |
| Joe F. Bosworth, | H. H. Griffin, | Richard S. Rose, |
| W. T. Cain, | John C. Griffith, | W. W. Smith, |
| M. F. Campbell, | W. C. Halbert, | D. P. Taggart, |
| Bennett Clarke, | Albert Hamilton, | Harry Weitkamp, |
| H. K. Cole, | C. W. G. Hannah, | Wm. Wilt, |
| W. H. Cole, | D. C. Hopper, | James C. Yaden—25. |
| A. L. Denny, | | |

On summing up the vote, it was found to stand thus:

For Mr. Paynter .....70 votes.
For Mr. Cox .....25 votes.

Ordered, That the clerk spread same on the Journal and also enter thereon the fact that Thomas H. Paynter received a majority of all the votes cast, a majority of all the members elected to the House being present and voting.

Mr. Redwine, of the Committee on Rules, made the following report of rules for the government of this House, viz.:

The Committee on Rules respectfully report to the House the accompanying rules for its government during the present session.

## QUORUM OF THE HOUSE.

Rule 1. Five members of the House shall constitute a quorum for the purpose of adjourning; fifteen members for the purpose of calling a House, of sending for absent members and of making an order for their censure and fine; a majority of the members may proceed to business and the numbers mentioned in this rule shall have power, in the absence of the Speaker, to elect a Speaker pro tem for the purposes above designated.

## HOUR OF MEETING AND ADJOURNMENT.

Rule 2. The standing hour of meeting each day shall be ten (10) o'clock a. m., standard time, and the standing adjournment shall be 1:30 o'clock p. m., except on Monday, when the hour of meeting shall be 12 o'clock, meridian, and the hour of adjournment 2 p. m. Provided, however, that a majority of the House may elect to hold extra sessions at any time and extend the sitting of any session to any time within their discretion.

## THE POWERS AND DUTIES OF THE SPEAKER.

Rule 3. The Speaker shall take the chair every day at the hour to which the House adjourned on the preceding day; he shall immediately call the members to order, and, a quorum being present, shall cause the Journal of the preceding day to be read.

Rule 4. He shall preserve decorum and order, and in case of disturbance and disorderly conduct in the gallery or lobbies, may cause the same to be cleared. He shall have general control, except as provided by rule or law, of the hall of the House and of the corridors and passages, of the unappropriated rooms in that part of the capitol assigned to the use of the House, until further ordered. He may speak to points of order in preference to other members, rising from the chair for that purpose. He shall decide questions of, or subject to, an appeal to the House on request of any two members, and the members appealing shall reduce the appeal to writing.

The Speaker shall have supervision over the clerks, sergeant-at-arms, doorkeeper, janitor, pages or other employes of the House, and shall direct them as to their duties, and upon failure of any of such officials to perform his duties, the Speaker shall have power to impose a fine upon such offender, not to exceed the per diem of such official or employe for each offense. Such fine shall be entered upon the Journal and deducted from the compensation due such offender.

Rule 5. The standing committees of the House, herein named, shall be appointed by the Speaker.

Rule 6. The Speaker may state a question sitting, but shall rise to put a question.

Rule 7. Questions shall be distinctly put in this form, viz.: "Gentlemen, you who are of the opinion that (as the question may be), say 'Aye;' you of the contrary opinion, say 'Nay.'"

Rule 8. If the Speaker be in doubt as to the result of a vote, or a division be called for, the House shall divide; those in the affirmative of the question shall rise from their seats and afterwards those in the negative. If the Speaker still be in doubt, or a count be requested, the Speaker shall name two members, one from each side, to count those in the affirmative and the negative; which, being reported, he shall rise and state the decision of the House: Provided, however, That such division or count shall not be allowed after the House shall have proceeded to other business.

Rule 9. The Speaker shall have the right to name any member to perform the duties of the chair, but such Speaker pro tem. shall not be empowered to act beyond a period of five (5) days.

Rule 10. It shall be the duty of the Speaker to direct the doorkeeper and sergeant-at-arms to exclude all persons from the bar of the House, except the Governor, members of the Senate, officials of the several departments, persons included in Rule eleven (11), members of the Federal Congress, members of preceding Legislatures of this State.

Rule 11. The Speaker shall name the persons who shall act as reporters for the public press, but no reporter shall be admitted to the floor who is not an authorized representative of a newspaper. The reporters so named shall be entitled to such seats as the Speaker may designate.

## DEBATE.

Rule 12. When a member is about to speak in debate or deliver any matter to the House, he shall rise from his seat and respect-

fully address the Speaker of the House as "Mr. Speaker," but shall not proceed until recognized by the Speaker.

Rule 13. If any member, in speaking, or otherwise, transgress the rules of the House, the Speaker shall, or any member thereof may, through the Speaker, call the offender to order; and the member called to order shall immediately sit down unless permitted to explain, and the House, if appealed to, shall decide on the case without debate. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if against him, and the case require it, he shall be liable to the censure of the House.

Rule 14. When two or more members rise at once, the Speaker shall name the member who is first to speak.

Rule 15. No member shall speak more than twice on the same questions without leave of the House, and he shall not speak more than once until every member of the House choosing to speak has spoken. No member shall be allowed to speak longer than one hour in the aggregate.

Rule 16. While the Speaker is putting any question or addressing the House, no one shall walk about the House, or leave; neither, in such a case, nor when a member is speaking, shall any one talk or pass between the chair and the member who is speaking.

Rule 17. No member shall, in debate, name another member.

## UNDEBATABLE MOTIONS.

Rule 18. Motions to proceed or dispense with the orders of the day, to dispense with any rule of the House, to take up business out of its regular order, to commit or re-commit, except with instructions, shall be propounded without debate.

Rule 19. No explanation of any vote shall be permitted pending the call of the yeas and nays on an undebatable motion.

## WITHDRAWAL OF MOTIONS.

Rule 20. After a motion is stated by the Speaker, or read by the clerk, it shall be deemed in the possession of the House, but

may be withdrawn by the consent of the House at any time before a decision or amendment.

## MOTIONS.

Rule 21. When a motion is made and seconded it shall be stated by the Speaker, or, being in writing, shall be handed to the chair and read aloud by the clerk before debated.

Rule 22. Every motion shall be reduced to writing, if the Speaker or any member desire it.

## ORDER OF MOTIONS IN DEBATE.

Rule 23. When a question is under debate no motion shall be received, b. —

1. To fi ne time to which the House shall adjourn.
2. To adjourn.
3. To lie on the table.
4. For the previous question.
5. To postpone to a day certain.
6. To commit.
7. To amend.
8. To postpone indefinitely.

Which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain, to commit or postpone indefinitely, being decided, shall be again allowed on the same day and at the same stage of the bill or proposition.

## MOTION TO ADJOURN.

Rule 24. A motion to adjourn shall always be in order, except during roll-call or pending a motion to fix the time to which the House shall adjourn, and shall be decided without debate.

## PREVIOUS QUESTION.

Rule 25. The previous question being moved and seconded, the

question from the chair shall be: "Shall the main question be now put?" And if the nays prevail, the main question shall not then be put. The effect of the previous question shall be to put an end to all debate (except on the final passage of the measure under consideration, the right of the opponents of the measure to have thirty minutes to debate the proposition and the right of the proposer of the measure under consideration to close debate, and he shall be limited to thirty (30) minutes, unless his time be extended by consent of the House), and bring the House to a direct vote on amendments proposed by a committee, if any; then on pending amendments, and all amendments which have been read for information of the House by the clerk shall be regarded as pending amendments. and then upon the main question.

## DIVISION OF QUESTIONS.

Rule 26. Any member may call for a division of the question when the sense will admit of it.

## COMMITMENT OF MOTIONS.

Rule 27. Motions and reports may be committed at the pleasure of the House. (See Rule 18, ante.)

## AMENDMENTS.

Rule 28. No motions or propositions on a subject different from that under consideration shall be admitted under color of amendment.

## ELECTIONS.

Rule 29. In all cases of elections there shall be a previous nomination before the House.

## PETITIONS, MEMORIALS, ETC.

Rule 30. Petitions, memorials and other papers addressed to the House may be presented by any member in his place; and in

such case he shall briefly state the contents of said petitions, memorials and other papers, and they must be received, read and referred on the same day by agreement of the House.

## CALL OF YEAS AND NAYS.

Rule 31. Upon a call of the yeas and nays on any question, the names of members shall be called alphabetically, which shall be made at any time when a division or a count may be had, and upon the completion of any roll-call the Speaker shall, upon the request of any member, order the clerk to call the absentees once.

## CALL OF THE HOUSE.

Rule 32. On a call of the House the door shall not be shut against a member until his name is called twice, and then absentees shall be noted by the clerk and fined one dollar, unless excused by the House.

## VOTING.

Rule 33. No member shall vote on any question in the result of which he is mediately or immediately interested, or in any case where he was not within the bar of the House before the result was announced.

Rule 34. Every member in the House when a question is put, or present before the result is announced, shall vote, unless excused by the House; and all motions to excuse a member from voting shall be made before the House divides or before the call of the yeas and nays is commenced; and the motion or question to excuse a member shall be decided without debate, and in no event shall any member be excused from voting on a motion to excuse another member from voting. But this rule shall not apply to the Speaker, whose name shall not be called upon the roll, except on his own request, and then only at the end of the roll-call, and before the result is announced, but in all cases of a tie vote the Speaker shall vote.

## ORDER OF BUSINESS.

Rule 35. The order of business each day shall be as follows:

1. The reading of the Journal of the preceding day and the correction of any errors that may be found to exist therein.

2. Petitions.

3. Motions and resolutions. Limited to one hour.

4. Reports of special and standing committees in the order as given in Rule 42.

5. On Tuesdays and Fridays of each week, after the first order above named in this rule, there shall be a call of the counties for the introduction of bills according to Rule 36, which shall be privileged and take precedence of all other business of the House: Provided, That the orders of the day be called for precisely at 12 o'clock on each day; and provided, further, that upon the call of the counties on the days provided for the presentation of bills, in the event every county shall not have been called, the clerk shall, on the next day, commence the call where he left off at the last call.

6. Any business which did not belong to the orders of the day, and which remains unfinished upon the adjournment of the House, or upon the calling of the standing orders of the day, shall be the first business in order each day upon the convening of the House, and any business which belongs to the standing orders of the day, which remains unfinished upon the adjournment of the House, shall be the first business when the orders of the day are resumed: Provided, however, That the unfinished business shall yield to the business designated in division 5 of this rule.

## INTRODUCTION OF BILLS.

Rule 36. Bills shall be introduced on every Tuesday and Friday on an alphabetical call of the counties for that purpose as follows:

Subdivision 1. On call of each county the member from said county shall rise from his seat, and, addressing the chair, send to

the clerk's desk any bill or bills or joint resolution which he wishes to introduce, with the title thereof indorsed thereon in a plain and legible hand, which bill or joint resolution shall be read by its title, and thereupon the Speaker shall order the same to be printed and refer the same to its appropriate committee for consideration and report, and from such order of reference by the Speaker the member introducing the bill may appeal to the House if he so desires. All bills shall be printed and distributed in the order in which they are introduced, and the usual number of copies of the same shall be printed for the use of the members of the Senate and House.

Subdivision 2. Upon the report of a bill or joint resolution by any committee, the clerk shall report the same in full, which shall be considered the first reading of the bill or joint resolution, and shall be so entered upon the Journal. Any standing or special committee may originate a bill and introduce the same upon its call for report, when it shall have its first reading and be ordered printed.

Subdivision 3. The clerk shall number all bills in the order they are so introduced, and continue the numbers in their order to the end of the session; and he shall keep a register of all bills introduced in the House, or transmitted for concurrence from the Senate, in which shall be recorded, under appropriate heads, the progress of such bills from the date of their introduction to the time of their transmission—if House bills, to the Governor, or, if Senate bills, their return to the Senate.

Subdivision 4. When a bill has had its first reading it shall be placed by the clerk in a calendar to be kept by him, and said calendar shall be separate from the bills in the orders of the day. Each day before the House enters into the consideration of the orders of the day, the clerk shall take up the calendar and give all bills therein their second reading, except such as have been placed there upon that day.

Rule 37. When a bill has been read a second time it shall be placed in the orders of the day or recommitted, and when next reached in the House, it shall be ready for amendment, recommit-

ment or debate, or to be read a third time and placed upon its passage. A bill may be recommitted at any time before its passage.

Rule 38. When a bill shall have been referred to any committee, it shall be the duty of the chairman of such committee to submit the bill to the consideration of his committee, and such committee may make such amendments to said bill as it may deem proper, and report said bill to the House with such amendments. A majority of the members of a committee shall be present before a bill may be considered. A committee in reporting a bill to the House shall make its report in writing, and such report shall be signed by a majority of such committee, but the minority may make its report, which shall also be in writing and signed by the members of the committee making such report. Bills shall not be engrossed except by order of the House; and the style of every bill shall be: "Be it enacted by the General Assembly of the Commonwealth of Kentucky."

Rule 39. When a bill passes it shall be certified by the clerk, who, at the foot thereof, shall note the day on which it passed.

## SUSPENSION OF THE RULES.

Rule 40. The standing rules of the House and the regular order of business shall not be suspended or interrupted unless by a vote of two-thirds of the members present: Provided, however, That this rule shall not prevent the suspension or postponement of any special order, or of the standing orders of the day for the purpose of completing or continuing the consideration of any measure pending at the time such special or standing orders may be reached.

Rule 41. The following shall be and constitute the standing committees of the House of Representatives, and each committee shall be composed of nine members, except the Committee on Enrollments, which shall have five members:

Judiciary.

State Prisons and Houses of Reform.

Ways and Means.

Public Morals.
Kentucky Statutes.
Internal Improvements.
Municipalities.
Cities of the Fourth, Fifth and Sixth Classes.
Sinking Fund.
Proposition and Grievances.
Education No. 1.
Education No. 2.
Agriculture.
Banks and Banking.
Land Titles.
Corporate Institutions.
Appropriations.
Railroads.
Revenue and Taxation.
Claims.
Court of Appeals.
Constitutional Amendments.
Classification of Cities and Towns.
Military Affairs.
State Capitol.
Circuit Courts.
Public Health.
Mines and Mining.
Suffrage and Elections.
Federal Relations.
Printing.
Insurance.
Retrenchment and Reform.
County and City Courts.
Charitable Institutions.
Executive Affairs.
Legislative Accounts.

Immigration and Labor.
Criminal Law.
Commerce and Manufacture.
Agricultural and Mechanical College.
Library and Public Offices.
Public Warehouses and Granaries.
Codes of Practice.
Enrollments.
Redistricting.
Geological Survey.
Fish, Game and Forestry.
Public Monuments and Historical Records.
Rules.

And it shall not be competent for the House, by vote or otherwise, to add any one to the membership of either of said committees.

Rule 43. The Committee on Enrollments may report at any time when not excluded by a privileged motion: Provided, That when any committee shall have occupied the morning hour on two days, it shall not be in order for such committee to report further until the other committees are called. And Provided, also, That no bill shall be reported by any committee which was introduced after said committee began to report.

## COMMITTEE OF THE WHOLE.

Rule 44. It shall be the standing order of the day throughout the session for the House to resolve itself into a Committee of the Whole House on the state of the Commonwealth.

Rule 45. When a bill or other matter is committed to a Committee of the Whole House, the question of going into the Committee of the Whole shall be first in the order of the day.

Rule 46. In Committee of the Whole House, bills shall be read and debated by sections, leaving the preamble and the title to be the last considered.

Rule 47. All amendments made to an original House bill or resolution in committee shall be incorporated in the original and so reported.

Rule 48. All questions, whether in the committee or in the House, shall be disposed of in the order in which they are moved, except that in filling blanks the largest sum and the most remote day shall be put first.

Rule 49. The rules of the House shall be observed in committee when applicable, excepting a rule limiting the time of speaking.

## FINES.

Rule 50. All fines imposed on absentees shall be collected by the sergeant-at-arms and covered into the treasury.

## CLERK'S DUTY.

Rule 51. The clerk or assistant clerk shall report all bills or resolutions to the Senate, unless otherwise ordered by the House.

Rule 52. No member or other person shall visit or remain by the clerk's table when the yeas and nays are being called.

Rule 53. All bills and joint resolutions originating in the Senate and reported to this House as passed therein, shall be read by their titles, when the Speaker shall refer them to appropriate committees, unless otherwise ordered by the House.

Rule 54. The clerk of the House shall, by and with the approval of the Speaker, employ a stenographer or assistant, whose duty it shall be to assist the clerk in his duties, and who shall see that the Journal of the House is furnished the Public Printer and printed and placed upon the members' desks. Such assistant shall be allowed as compensation for his services three dollars per day, to be certified by the clerk as a contingent expense of the House.

## DUTIES OF THE ENROLLING CLERK.

Rule 55. The enrolling clerk of the House shall each day call upon the clerk and take charge of all House bills so soon as they

are reported back to the House and ready to be enrolled; keep an accurate account of and carefully preserve all of them; cause them without delay to be plainly and legibly enrolled without blots, erasures or interlineations, and present the same when enrolled to the Committee on Enrollments, who shall immediately report them to the House for comparison and the signature of the Speaker; and when signed by the Speaker of the House, the enrolling clerk shall deliver them at once to the Senate or such committee as may be authorized to receive them in that body. All original House bills shall be returned by the enrolling clerk to the clerk of the House at the time of signing of the enrolled bills, and the clerk of the House shall carefully preserve them.

## DOORKEEPER AND SERGEANT-AT-ARMS.

Rule 56. The chief clerk or his assistant, the doorkeeper, the sergeant-at-arms, and all employes under them, shall be in the House thirty minutes before the hour for the House to convene; and five minutes before the hour for the meeting of the House each day, the doorkeeper and sergeant-at-arms shall see that the floor of the House is cleared of all persons, except those privileged to remain. (See Rules 10 and 11.) And the sergeant-at-arms is empowered to deputize as many assistant sergeant-at-arms as he may deem necessary to carry out the order of the Speaker under Rule 4 of these rules.

## MOTION TO RECONSIDER.

Rule 57. A motion to reconsider any motion of the House shall be in order for a period of three days, Sundays included, from the time said vote was taken; but a motion to reconsider shall not be in order after action has been had by the House in consequence of the decision proposed to be reconsidered. For instance, a motion to commit can not be reconsidered after the committee has taken the papers.

GENERAL PROVISIONS.

Rule 58. On all questions not provided for in the foregoing rules, the House shall be governed by parliamentary law or usage: Provided, The author of any measure shall have five minutes' time in which to explain upon the motion to lay on the table.

Rule 59. Whenever any committee shall report to the House a bill with the expression of opinion that it should not pass, said bill shall not be entitled to a reading unless it is so ordered by a vote of the House; and upon the question whether or not said bill shall be read the report of the committee to the contrary notwithstanding, no debate shall be allowed, except that the originator of the bill, or any one indicated by him, shall have ten minutes in which to explain the bill; and any one member of the committee who favors the report of the committee may have a like time in which to explain the action of the committee, and then if said bill shall be ordered to a reading, it shall be read the first time in full and recommitted or placed in the calendar.

Rule 60. No appropriation shall be reported in any appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law. All bills carrying appropriation shall be referred to the Committee on Appropriations, except that bills appropriating money for a State capitol shall be referred to that committee: Provided, however, appropriation bills may be referred to other committees, but before placed in the calendar such bills shall be referred to the Committee on Appropriations.

Rule 61. That during the last ten days of the session, the Committee on Rules shall have power at any time to call from the orders of the day any bill or resolution and propose the same to the House for consideration, and should the House decide by vote to consider it, it shall be submitted for passage. The committee shall be authorized to call from other committees any bill or resolution in their hands and have them advanced to the reading to which the bills may be entitled.

Rule 62. If any bill, motion or resolution has been by vote

carried or lost, and a motion is made to reconsider the vote by which the bill, motion or resolution was carried or lost, and said motion to reconsider is laid upon the table, then no further motion shall be entertained relative to said bill, motion or resolution, unless by the unanimous consent of the House.

Rule 63. All pairs announced in the House shall be entered on the Journal.

Rule 64. When the roll is being called on any proposition and the hour of adjournment arrives, the time for adjournment shall be extended until said roll-call has been completed and the result announced.

HENRY R. LAWRENCE,
W. J. GOOCH,
L. F. JOHNSON,
WILL A. YOUNG,
M. M. REDWINE,
L. W. ARNETT,
GEO. S. WILSON,
J. T. SCOTT,
ZEB A. STEWART.

Mr. Drewry proposed an amendment to said report, viz.:

Amend by striking out all of Rule 61.

Said amendment was disagreed to.

Mr. R. W. Miller proposed an amendment to said report as follows, viz.:

Insert after the word "except," in line 5 of Rule 25, the words "on the final passage of the measure under consideration, the right of the opponents of the measure to have thirty minutes to debate the proposition and."

Said amendment was agreed to.

Said report as amended was then adopted.

Mr Gooch offered the following resolution, viz.:

Be it resolved, That the Speaker of the House call a joint meeting of the two Houses of the General Assembly to be held in the hall of the House of Representatives at 12:30 o'clock p. m., January 10, 1906, for the purpose of electing two prison or penitentiary commissioners to succeed Hon. Edward Fennell and Hon. H. S. McCutcheon, for the term prescribed by law.

Said resolution was agreed to.

Thereupon the Speaker of the House of Representatives, in accordance with Joint Rule 11, made the following announcement and order, viz.:

Pursuant to resolution this day adopted by the House, the Speaker of the House calls a joint meeting of the two Houses to meet in the hall of the House of Representatives at 12:30 p. m., January 10, 1906, to elect two prison or penitentiary commissioners to succeed Hon. Edward Fennell and Hon. H. S. McCutcheon for the term prescribed by law.

HENRY R. LAWRENCE,
Speaker of House of Representatives.

January 9, 1906.

Ordered, That the clerk enter said order upon the Journal of the House and deliver a copy of same to the clerk of the Senate.

Mr. R. W. Miller offered the following resolution, viz.:

Whereas, The Louisville Commercial Club has inaugurated a movement for raising a fund by popular subscription for the purpose of erecting a monument to the memory of Stephen G. Foster; and,

Whereas, The said Stephen G. Foster earned an enviable immortality for himself and gave to the world its sweetest song when he wrote the "Old Kentucky Home;" that song whose touching notes and tender sentiment have stirred the souls of men the wide world

round, and made the old Kentucky home the ideal to which the loyal, longing heart turns oftenest and with most abiding tenderness; be it

Resolved, That the House of Representatives of Kentucky sympathize with the movement above set out and express the hope that an abundant success may attend the unselfish labors of the promoters of this noble work.

Said resolution was agreed to.

And then the House adjourned.

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WEDNESDAY, JANUARY 10, 1906.

The House was opened with prayer by Rev. M. B. Adams, pastor of the Baptist church at Frankfort, Ky.

The reading of the Journal of yesterday's proceedings was dispensed with.

The Speaker laid before the House a communication from the Governor as ex officio chairman of the Board of Building Commissioners of the new capitol as follows, viz.:

Commonwealth of Kentucky,
Executive Department.
Frankfort, Ky., January 9, 1906.

To the Senate and House of Representatives:

Gentlemen:—I herewith transmit to you the report of the Board of Building Commissioners of the new capitol, which report includes the report of the Superintendent of Construction and also an estimate by the architect of other expenditures that might be made upon the capitol and its grounds. The Board of Commissioners does not believe it necessary to undertake the full amount of expenditures suggested in the estimate of the architect, but believes

that your committees should make a thorough and careful examination of the subject and determine what additional expenditures may be necessary at this time. It is the desire of the board to meet with the committees of the two Houses at convenient times for the discussion of these matters.

We suggest that this report be printed to the extent of not less than five hundred (500) copies, for the use of members and others.

Very respectfully,

J. C. W. BECKHAM,

Governor, and Chairman of the Board.

Frankfort, Ky., January 2, 1906.

To the General Assembly of the Commonwealth of Kentucky:

Gentlemen:—In accordance with the provision of an act, entitled "An act to provide for the erection and completion of the capitol and other necessary buildings at the seat of government," approved February 6, 1904, we beg to submit the following report:

The Commissioners of the Sinking Fund constituting the Board of State Capitol Commissioners, held their first meeting in the office of the Governor on March 19, 1904, and elected as secretary of the board Henry B. Ware, of Frankfort, Ky.

At a meeting held April 7, 1904, C. M. Fleenor, of Bowling Green, Ky., was elected Superintendent of Construction.

On the 29th day of April, 1904, the board fixed May 30th to select an architect, and all architects applying were invited to come before them and present their recommendations and standing in their profession. Owing to the large number of architects applying and desiring to be heard, no action was taken, and the board adjourned to meet June 10th, at which meeting F. M. Andrews, of Dayton, Ohio, was elected. His compensation was fixed at 5 per cent., based on $800,000.

November 10, 1904, the architect presented for the consideration of the board his design of the new capitol building, together with floor plans, showing location of all departments and space allotted

to each, and on November 12th they were accepted by the board after some changes as to floor space, etc.

At a special session of the Legislature begun and held January 12, 1905, there was appropriated for the purpose of purchasing a new site for the capitol building $40,000, and on April 1, 1905, the several pieces of property described in the act were purchased and the deeds thereto filed of record in the county clerk's office. (See statement appended hereto for amounts expended of this appropriation.)

On the 9th day of May, 1905, notices were sent out to contractors that sealed bids would be received for the work of excavation and opened on the 25th of May at 12 o'clock, and on that day there were thirteen bids opened for this work, and the contract awarded to Balke & Zehnder, of Louisville, Ky., for the sum of $1,980, and one dollar per cubic yard extra for rock excavation. More rock being encountered than was expected, a new contract was made June 26th, fixing the price to be paid therefor at fifty-five cents per cubic yard. (See appended statement for amount paid in full for excavation.)

On May 30, 1905, ground was broken for the work of excavation, and was completed and accepted August 14th.

July 5, 1905, notices were sent out to contractors asking for sealed proposals for the construction of the State capitol building, and on August 7th fifteen bids were opened, and the contract awarded to the General Supply & Construction Company, of New York City, for $880,000.

The following statement shows the expenditures in full as charged against the State capitol building appropriation:

1904

| | | |
|---|---|---|
| April 12. | E. M. Drane, P. M., account stamps, stamped envelopes and two keys..... | $ 54 40 |
| Nov. 25. | J. M. Corbin, making survey and plot of old grounds ..... | 175 00 |

1905.

| | | | |
|---|---|---|---|
| June | 1. | F. C. Hutchison, selling Hunt house and other buildings | 5 00 |
| | 23. | Balke & Zehnder, work on excavation, Estimate No. 1 | 720 00 |
| July | 28. | Balke & Zehnder, work on excavation, Estimate No. 2 | 1,035 00 |
| Aug. | 17. | J. M. Corbin, making topographical map, new grounds | 75 00 |
| | | J. G. McLean, making official form of contract, etc. | 20 00 |
| | | Balke & Zehnder, work on excavation, Estimate No. 3 | 1,804 09 |
| | 19. | Balke & Zehnder, work on excavation, balance in full, Estimate No. 3 | 28 71 |
| | | A. R. Cotteral, superintendent for architect, amount paid laborers—work making tests of soil, etc. | 30 22 |
| | 22. | C. E. Collins, etc., auger, lumber and repairing drills | 20 80 |
| Sept. | 15. | D. M. Cozine, repairing drills and augers | 1 75 |
| Oct. | 10. | General Supply and Construction Co., work on building proper, Estimate No. 1 | 2,250 00 |
| Nov. | 11. | General Supply and Construction Co., work on building proper, Estimate No. 2 | 11,700 00 |
| Dec. | 5. | General Supply and Construction Co., work on building proper, Estimate No. 3 | 14,642 10 |
| | 6. | C. E. Collins, account 100 feet tape line (Supt. Fleenor) | 5 30 |
| | | H. A. Gretter, photographer, making negatives and photos, excavation | 149 50 |
| | | Total expenditures to date | $32,716 87 |

| | | | |
|---|---|---|---|
| 1905. | | | |
| Dec. 31. | Henry B. Ware, secretary, salary from March 19, 1904, to Dec. 31, 1905, rate of $1,200 per annum | $2,140 | 00 |
| | C. M. Fleenor, Superintendent of Construction, salary from April 7, 1904, to December 31, 1905, rate of $2,000 per annum | 3,466 | 65 |

The salaries of the Secretary and Superintendent of Construction were for a time charged to the appropriation, but afterwards changed and put to the account of the general expense fund.

The following statement shows the expenditures in full as charged against the special appropriation of $40,000, act of special session, January, 1905.

| | | | |
|---|---|---|---|
| 1905. | | | |
| April 6. | Frank Chinn, real estate for new capitol building (see deed filed) | $28,530 | 00 |
| | John W. Rodman, real estate for new capitol building (see deed filed) | 1,500 | 00 |
| | Mary S. Johnson, real estate for new capitol building (see deed filed) | 2,000 | 00 |
| 13. | J. M. Corbin, surveyor, making survey and plot of new grounds | 175 | 00 |
| May 9. | D. M. Woodson, surveyor, running special lines, making map, etc. | 35 | 00 |
| June 27. | J. M. Corbin, surveyor, surveying running lines, etc. | 130 | 00 |
| | N. B. Smith, county clerk, recording deeds (see account) | 13 | 90 |
| Aug. 19. | Virginia C. Chinn, real estate for capitol building (see deed) | 2,510 | 00 |
| Sept. 15. | Guy Barrett, account tracing cloth for Surveyor Woodson | | 50 |

N. B. Smith, county clerk, recording deed, etc. $2 00

Total expenditures to date..... $34,896 49

The following amounts were received for the sale of the old "Hunt House," trees on the site, fencing, crop of barley, etc.:

| 1905. | | | |
|---|---|---|---|
| May | 9. | Sale of Hunt house and other buildings.... | $430 00 |
| | 31. | Sale of trees and fencing..... | 40 00 |
| Aug. | 3. | Sod sold ..... | 10 90 |
| | 5. | Crop of barley..... | 40 00 |
| | | | $520 90 |

Which amount of $520.90 was turned into the treasury to the credit of the State Capitol Appropriation Fund.

A copy of the report of the Superintendent of Construction made to the board is furnished herewith and made a part of this report, all of which is respectfully submitted.

J. C. W. BECKHAM,
Chairman of the Board.

Henry B. WARE, Secretary.

Frankfort, Ky.

To the Honorable Board of State-house Commissioners,

Gentlemen:—In order to set forth the matter clearly and enumerate concisely the work already accomplished upon the new State-house building, it will be necessary to recapitulate.

Briefly stated, the first important step taken (after the election of your secretary, Mr. H. B. Ware, March 19, 1904, and myself, April 7, 1904), was the selection of an architect, which was done after the most approved manner, and resulted in the election of Mr. Frank M. Andrews, of Dayton, Ohio, June 10, 1904.

The manner, kind and style of building was then taken up, and, after a thorough consideration of all parts and points entering

thereinto, and the manifold needs of the State, the whole was given tangible form and shape in the preliminary drawings and sketches submitted by the architect on November 10, 1904. These were gone over carefully by your board, such changes as were considered necessary being noted and marked upon the drawings, and the same returned to Mr. Andrews for correction and the completion of the working drawings.

A question which ere this had given your honorable board much concern now confronted you boldly and was most formidable indeed, for it would not down—the question of the inadequacy and unsuitableness of the old site for the site upon which to erect the new building. This was disposed of by the special session of the Legislature, which convened by the call of the chairman of your board, Governor J. C. W. Beckham, on January 12, 1905. At this special session the so-called "Hunt site" was selected; and upon this site the new building is now being erected.

After the selection, a plot of the new grounds had then to be made, and the drawings of the building altered and adapted to the changed conditions. The drawings and specifications for the preliminary excavation (clearing and leveling the site to the basement floor) were submitted to bidders May 9, 1905. On May 25, 1905, the contract for this work was let to Messrs. Balke & Zehnder, contractors, of Louisville, Ky., who were the lowest of thirteen bidders, the bids ranging from $1,980 to $19,500, the contract with Messrs. Balke & Zehnder being for the lesser amount, with a proviso clause that should rock be encountered they should receive for the rock excavation one dollar per cubic yard in addition to the price of the dirt excavation contracted therefor. As a preliminary to this excavation, Mr. J. M. Corbin, a civil engineer of Lexington, Ky. (who had made a plot of the new site for the use of Mr. Andrews), at the instance of the architect and your honorable board, made some twenty-two borings, or soundings, upon this site to ascertain the nature and formation of the soil. Some of these borings were as deep at 18 feet, but in no instance was rock discovered.

It was therefore reasonably presumed that no rock would be encountered, and that the proviso in the contract of Messrs. Balke & Zehnder would prove a dead letter. Rock was encountered, however, but in such a scattering manner and in such fragmentary and uncertain formations that it was impossible to measure it accurately in the solid to arrive at its cost according to the proviso clause of the contract. After due consideration, a new contract for the rock excavation was agreed upon with Messrs. Balke & Zehnder, one in which, I think, the State acquired a little the advantage. The new contract provided that the stone should be quarried and piled and measured in the pile and the price per cubit yard should be, pile measurement, fifty-five cents instead of the one dollar per cubit yard, solid measurement, as per the original contract. Two thousand seven hundred and ninety-nine and three-fifths cubit yards were taken out, which, at fifty-five cents per cubit yards, equals $1,539.77.

Additional contracts were also made with Messrs. Balke & Zehnder, one for removing the rubbish left in the wrecking of the old "Hunt" residence building, which was for $50; another for providing and putting in place soil pipe for the drainage of the site, which was for $20.

Messrs. Balke & Zehnder completed their several contracts on August 14, 1905, and their account was settled in full, which, itemized, is as follows:

| | |
|---|---|
| Original contract (earth excavation) | $1,980 00 |
| 2,799 3-5 cubit yards rock excavation at 55 cents | 1,539 77 |
| Removing rubbish old building | 20 00 |
| Soil pipe | 20 00 |
| Total | $3,589 77 |

Settled in full for $3,587.80, as agreed upon, the difference being in rock measurement figures.

The drawings and specifications for the building proper were completed and submitted to contractors July 5, 1905. August 7,

was made the time for the opening of the bids. August 9th, after the consideration of the fifteen general contractors' bids, ranging all the way from $880,000 to $1,736,983 (a tabulation of the bids is appended), the contract was awarded to the General Supply & Construction Company, of New York, for the $880,000, they to complete their work within two years after the signing of the contract, which was promptly done the following day, August 10, 1905. A forfeiture of $200 a day for each day running over the two years limit was placed upon the contractors, by their agreement, and they were also required to, and they did, execute a guaranteed bond for the sum of two hundred and twenty-five thousand dollars for the assurance of, and the same to be liable for, the faithful performance of their work.

The new contractors broke dirt on the foundation trenches August 14, 1905, and after some unexpected delays, begun concreting October 3, 1905.

In the contract with the General Supply & Construction Company, there was a price stated as charged for earth excavation, namely, fifty cents per cubit yard, and upon this price for earth excavation their total bid was based; and also a price which would be charged for rock excavation in the event rock was encountered, the price for the rock excavation being $1.25 per cubit yard, making a difference of seventy-five cents per cubit yard as between earth and rock, solid measurement. In the excavation of the foundation, as shown by the drawings, and to the depths there marked, rock was encountered, and 1,111½ solid cubit yards of it taken out, which, at seventy-five cents per cubit yards, equals $833.62.

A thorough examination of the site after the excavation of the trenches and piers was begun revealed the fact that part of the piers and walls of the building would rest upon solid rock, while part of them would rest upon soils of varying compactness and nature, and the tests which were applied to these several kinds of soils showed a treacherousness not reassuring when we considered the safety and intactness of the proposed superstructure. It was

reasonably certain that cracks in the building would mark the different settlements which would take place in its foundation, if we disregarded the conditions before us. I reported this fact to you at once, and you requested me to take the matter up with Mr. Andrews, which I did, and it was decided to disregard the depths given on drawings, except as to extras, and to go to solid rock in every instance and build from such points only. This, of course, put additional labor and expense upon the contractors, for which they would have to be reimbursed, and to take care of this additional expense, a supplemental contract was drawn up and signed, whereby the contractors were to receive three dollars per cubit yard for the additional excavation (rock and earth alike), and a price for the additional concrete not to exceed the price contracted for, less the cost of the forms; and the spreads of the footing courses shown on the drawings to be measured and their quantity ascertained and the same to be deducted from the additional concrete work. And as it was impossible to measure accurately the deep holes and narrow fissures of the rocks which were exposed by the additional excavation (photographs were taken of the holes and they will be given as exhibits of this fact), it was agreed to abide by a well-calculated batch measurement to ascertain the actual amount of cubit earth measurement and concrete required to fill to certain grades, above which "form" measurement would be accepted for both concrete and excavation work. The batch measurements have been accurately kept and amount, so far, to a little over 950 yards; the "form" measurements can not be gotten correctly until the work of the foundation is done and a drawing is made, showing all the grades and other data from which to calculate the extra work done. This drawing will, perhaps, be ready about the 10th of January, when the exact quantities of extras can be arrived at and the figures given of the extra expense to the State. In the meantime, it is safe to state that the foundation is 90 per cent. completed, and we can approximately figure the additional excavation at 1,450 or 1,500 yards of earth and rock (at $3, by

supplemental contract), with from 950 to 1,000 cubit yards of extra concrete, which, with the cost of the 1,111½ cubit yards, at seventy-five cents ($833.62), as given above and as coming under the original contract, will make a bill of extras on the foundation of some $12,000 or $13,000. This is unavoidable, and can not be regarded as a waste, as the safety of the building rests upon the stability of the foundation. And the fact of this requirement could not be known until we had come to it, and hence could not be provided for in the original contract. The assurance of safety for the building will surely compensate for the additional cost, for it would be lamentable indeed to have a magnificent structure such as the State-house building will undoubtedly be, and one in which State pride is so deeply concerned, damaged and rendered unsafe by a settling foundation.

To summarize: As stated above, the foundation work can be said to be 90 per cent. completed, for, aside from the area walls—which can be built most any time before the terracing work is done—the most important walls and piers are already in the ground, a few of the interior walls alone remaining incomplete; and these are near the surface of the ground with little danger of the deep holes which were found in the outer piers and trenches.

The basement walls and piers are, approximately, 25 per cent. advanced, the cement for their completion being on the ground and much of the other materials near at hand.

Much of the granite for the base courses around the building is on the ground and the rest being shipped in promptly, and the derricks, etc., for the handling of the stone, are being put in place ready for work when the weather permits.

The Bedford stone is being cut and gotten in readiness for shipment at the yards of Mr. Dugan, the stone contractor, Bedford, Indiana, but will not be shipped till early spring, as it can not be properly housed here on the grounds, and it will not be needed before the concrete work is done, and that can not be finished this winter.

So far as known, nothing has been done in regard to the brick to be used in this building, the contractors merely stating that they purpose to manufacture them themselves.

On account of the many difficulties to be overcome in the commencement of a building of such magnitude as this, and on account of the scarcity of laborers at hand, the work on the building in general is a little delayed; and it is now time to shut down for the winter, but the contractors promise hurry work in the spring.

To date the General Supply & Construction Company have been paid upon their contract the sum of $28,592.10, which includes the $12,000 extras on the foundation. This sum, with the $3,587.80 paid to Messrs. Balke & Zehnder, contractors for the preliminary excavation, makes a total of $32,179.90 expended upon the building so far.

This report, I trust, clearly covers the case, and it is respectfully submitted.

C. M. FLEENOR,
Supt. Construction for the State of Kentucky.

December 23, 1905.

## TABLE SHOWING GENERAL CONTRACTORS' BIDS.

For a better understanding of the bids, it were best, perhaps, to tabulate them and show the difference between the several bids, both as regards each other and as regards the several kinds of building stone estimated upon:

| | Bedford Limestone | Bowling Green Limestone | Rockcastle Freestone | Blue Ridge Marble | Kentucky Freestune | Berea Sand Stone | Tennessee Marble |
|---|---|---|---|---|---|---|---|
| General Supply and(Construction Co.... | $ 880,000 | $ 983,695 | $1,004,095 | $1,630,605 | ..... | $998,695 | $1,675,000 |
| John Gill & Sons, Cleveland, O..... | 884.142 | ..... | ..... | ..... | ..... | ..... | ..... |
| J. E. Gibson, Anderson, Ind ..... | 897,058 | 924,258 | 951,558 | 1,716,058 | $ 937,000 | 999,700 | ..... |
| Henry W. Schlueter, Chicago, Ill. ..... | 902,438 | 1,032,438 | 1,097,879 | ..... | ..... | ..... | ..... |
| Noel Construction Co.. Baltimore..... | 904,432 | 972,233 | 1,098,232 | ..... ..... | ... ... | ..... | ..... |
| H. Probst, New York . ..... ..... | 910,461 | ..... | ..... ... | ..... ... | ..... | ..... | ... ..... |
| Frank W. Foltz & Co., Cincinnati ..... | 955,292 | 1,084,250 | ..... | ..... | ..... | ..... | ... ..... |
| Caldwell & Drake, Columbus, Ind ..... | 968,888 | 993,850 | 1,020,000 | 1,650,000 | ..... | 981,000 | ..... |
| John Pierce, New York ..... | 1,017,700 | ..... | ..... | ..... | ..... | ..... | Georgia Marble |
| John T. Wilson, Richmond, Va..... | 1,019,000 | 1,148.000 | 1,173,000 | 1,686,000 | ..... | ..... | $1,536,000 |
| Miles & Brant, Atlanta, Ga ..... | 1,0 5,000 | 1,030,000 | ..... | ... ... | 1,067,800 | ..... ..... | ..... ..... |
| Hennessey Bros., Chicago, Ill ..... | 1 096,983 | 1,231,983 | 1,253,983 | 1,736,983 | ..... | ..... | ..... |
| Thos. Reiley, Philadelphio, Pa..... | 1,096,940 | 1,146,923 | 1,056,920 | 1,556,923 | 1,180,000 | ..... | ..... |
| Louis B. Beeman, Chicago, Ill..... | ..... | 1,441,000 | ..... | ..... | ..... | ..... | ..... |
| Ambrose B. Stannard, New York ..... | ..... | ..... | ..... | 1,660,000 | ..... | ..... | ..... |

Cincinnati, O., December 21, 1905.

Mr. H. B. Ware,

Secretary Board Capitol Commissioners,

Frankfort, Ky.

Dear Sir:—At Mr. Andrews' request, enclosed you will find two copies of estimate of cost for completing, equipping and furnishing State capitol building; also estimate of cost of landscape gardening, walks, driveways, approaches, terraces, etc. We will forward to you in a few days a block plan of the State's property, setting forth the landscape gardening, approaches, driveways, etc. Mr. Andrews, at this writing, is in New York, and we expect him to return to the office on Tuesday next, and he no doubt will take up this matter with your board in person.

Very truly yours,

FRANK M. ANDREWS,

Per H. E. Kennedy.

Estimate of Cost for Completing, Equipping and Furnishing the State Capitol Building, Frankfort, Kentucky, together with an Estimate of Cost of Landscape Gardening, Walks, Driveways, Approaches and Terraces Surrounding said Building, now in Course of Erection for the Commonwealth of Kentucky.

Cincinnati, Ohio, Dec. 21, 1905.

FRANK M. ANDREWS, Architect, Cincinnati and New York.

CONTRACTS FOR LABOR AND MATERIALS NOT YET AWARDED NECESSARY TO COMPLETE THE STATE CAPITOL BUILDING.

| | |
|---|---|
| Flag staffs | $ 3,000 00 |
| Metal weather-strips for windows | 3,000 00 |
| Finished hardware | 12,000 00 |
| Electric wiring | 10,000 00 |
| Heating and ventilation | 35,000 00 |
| Elevators, cabs, etc. | 8,000 00 |
| | $71,000 00 |

## DECORATIONS AND FURNISHINGS.

| | |
|---|---|
| Electric light fixtures | $ 30,000 00 |
| Toilet rooms | 1,500 00 |
| Art glass | 5,000 00 |
| Metal file cases | 75,000 00 |
| Furniture and floor coverings | 150,000 00 |
| Interior decorations | 100,000 00 |
| Special ornamentation and finish in the following rooms: Corridors, Court of Appeals, Senators' Reception Room, Members' Reception Room, Speaker's Reception Room, Lieutenant Governor's Reception Room, Library, Governor's State Reception Room, Hall of Fame, Senate Chamber | 105,000 00 |
| | $466,500 00 |

## ADDITIONAL LABOR AND MATERIALS TO COMPLETE THE STATE CAPITOL BUILDING, MADE NECESSARY ON ACCOUNT OF CHANGE IN LOCATION OF THE SITE.

| | |
|---|---|
| Additional expense transporting materials | $50,000 00 |
| Terraces around building | 63,000 00 |
| Approaches | 26,500 00 |
| Grading, walks, drives, etc | 9,700 00 |
| Landscape gardening | 14,500 00 |
| Bronze lamps | 23,500 00 |
| Electric wiring | 1,500 00 |
| Water piping and outlets | 1,500 00 |
| Entrance pavilion and gate | 20,000 00 |

| | |
|---|---|
| Expense of preliminary excavation | $ 3,600 00 |
| Additional excavation and concrete (foundations) | 12,000 00 |
| Power house and tunnel | 90,000 00 |
| | $315,800 00 |
| Less additional expense transporting material, same included in contract made with General Supply & Construction Company | 50,000 00 |
| | $265,800 00 |

SUGGESTED CHANGES IN WORK ALREADY CONTRACTED FOR.

| | |
|---|---|
| Dome and lantern from copper to terra cotta | $ 20,000 00 |
| Bedford stone specified for interior of building to white marble | 200,000 00 |
| | $220,000 00 |
| Less reduction to be made on copper and Bedford stone already under contract | 80,000 00 |
| | $141,000 00 |
| Sculpture work, modelling and execution | 40,000 00 |
| Architect's fees, based on 5 per cent. of estimated cost of additional work | 45,625 00 |

RECAPITULATION.

| | | |
|---|---|---|
| 1. | Estimated cost labor and materials to complete building | $ 71,000 00 |
| 2. | Estimated cost decorating and furnishings | 466,500 00 |
| 3. | Estimated cost on account of changes in site | 265,000 00 |
| 4. | Estimated cost of suggested changes | 141,000 00 |
| 5. | Estimated cost of sculpture work | 40,000 00 |
| 6. | Estimated cost of architect's fees on items No. 2, No. 3, No. 4, No. 5 | 45,625 00 |
| | | $1,029,125 00 |

Mr. McKnight moved that the contractor of public printing be ordered to print five hundred copies of said report for the use of the members.

Said motion was agreed to.

Mr. Gabbard offered the following joint resolution, viz.:

Whereas, It is a custom of the State governments, included within the republic of the United States of America to adopt a State flower; and,

Whereas, A large number of the public school children of the Commonwealth of Kentucky have selected the Golden Rod as such State flower for the Commonwealth of Kentucky; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Golden Rod be the adopted State flower of the Commonwealth of Kentucky.

Which was read and ordered to lie over one day.

Mr. Claybrooke offered the following joint resolution, viz.:

Resolution providing for the purchase of official manuals for the use of the members of the General Assembly and for distribution to certain officials.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the State Librarian be, and the same is, hereby authorized and directed to purchase at, not exceeding one dollar per copy, four hundred copies of the book, entitled "Official Manual," for the use of the courts, State and county officials and General Assembly of the State of Kentucky, which book contains the Constitution annotated, the standing committees of both Houses, the rules of the Senate and House of Representatives, the joint rules, the name and postoffice address of the members of the General Assembly and the directory of State and county officials and chief officials of the United States and the several States and territories

of the Union and other valuable information. The Librarian will furnish the members of the General Assembly and such officials thereof as may be designated by the presiding officer of the Houses, respectively, with a copy of each of the same, and will furnish the State officials at the seat of Government with a copy thereof and send a copy thereof to the clerk of the county court of each county in the State, to be kept in his office, and send a copy to the State Librarian of each of the several States and territories in exchange for similar books.

§ 2. It being necessary that the officials shall have these books, an emergency is declared, and this resolution shall take effect from its approval by the Governor.

Which was read and ordered to lie over one day.

Mr. Southall offered the following resolution, viz.:

Whereas, It has heretofore been a custom to furnish the chairman of each of the standing committees of the House of Representatives with a copy each of the Kentucky Statutes and Codes of Practice; therefore, be it

Resolved, That the State Librarian be, and is hereby, directed to furnish the chairman of each of the standing committees of this body a copy each of the Kentucky Statutes (1903 edition) and Codes of Practice (Carroll's Edition) and the Acts of the 1904 Legislature for their use during the session of this body, same to remain the property of the State of Kentucky and to be returned to the State Librarian at the end of this session, and a copy of the Kentucky Manual to be furnished to each member of the House by the State Librarian.

Said resolution was agreed to.

Mr. R. W. Miller offered the following joint resolution, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of $68.75 is hereby appropriated out of any money in the treasury not otherwise appropriated to pay for repairing or re-covering the desks for the members of the House, said sum to be paid by the Auditor on the warrant of the chief clerk of the House of Representatives, who will pay for said sum to the person or persons entitled to same.

§ 2. As the work has already been done and it is but just that it be paid for promptly, an emergency is declared to exist, and this resolution shall take effect from and after its adoption.

Which was read and ordered to lie over one day.

A message was received from the Senate by Senators Bennett, Grady and Shadoan, announcing that the Senate was ready to convene with the House of Representatives in joint assembly for the purpose of executing the joint special order of the day, to-wit: The election of a Senator in the Congress of the United States from the State of Kentucky for the term of six years, to succeed the Hon. Joseph C. S. Blackburn, whose term of office will expire on the 4th day of March, A. D. 1907, said joint special order being in conformity with the laws of the United States and of the State of Kentucky in such cases made and provided.

Mr. Gooch moved that a committee of three members be appointed by the Speaker to notify the Senate that the House of Representatives was now ready to receive the Senate in joint assembly for the purpose of executing the joint special order as aforesaid.

Said motion was agreed to.

The Speaker appointed as said committee, Messrs. Gooch, Overstreet and Halbert. Said committee retired and after a time reported that they had discharged said duty.

The hour of 12 o'clock, meridian having arrived, the hour for the joint special order of the day as aforesaid, the Senate of Kentucky,

in order entered upon the floor of the House of Representatives and in pursuance to a joint rule of the Senate and House of Representatives, the Hon. William P. Thorne, Lieutenant Governor and President of the Senate took the chair and presided; the Hon. Henry R. Lawrence, Speaker of the House of Representatives, having taken his seat on the left of the President of the Senate.

The two Houses were convened in joint assembly, the same being composed of a majority of all the members elected to each House.

The roll was called and the following members of the joint assembly answered to their names, viz.:

Senators—

| | | |
|---|---|---|
| J. Embry Allen, | S. T. Gorin, | R. W. Owen, |
| Alvis S. Bennett, | R. R. Grady, | Laban Phelps, |
| Curtis F. Burnam, | M. L. Harbeson, | Nat. A. Porter, |
| J. W. Cammack, | G. W. Hickman, | E. K. Renaker, |
| J. Wheeler Campbell, | O. P. Hogan, | Frank Rives, |
| Albert H. Charlton, | R. L. Hubble, | Benjamin Sewell, |
| J. P. Chinn, | Ben Johnson, | G. W. Shadoan, |
| John W. Combs, | Harry Lancaster, | Brent Spence, |
| William H. Cox, | Conn Linn, | W. W. Tabb, |
| S. E. DeHaven, | P. S. Maxwell, | E. C. Ward, |
| C. B. Ecton, | H. S. McNutt, | M. G. Watson, |
| Henry George, | L. C. Nell, | W. B. Whitt—38. |
| E. P. Gillenwaters, | J. W. Newman, | |

Representatives—

| | | |
|---|---|---|
| J. M. Alverson, | Lloyd W. Gates, | M. M. Redwine, |
| Louis W. Arnett, | W. J. Gooch, | J. M. Robertson, |
| John Barr, | A. J. Gorham, | Richard S. Rose, |
| E. Barry, | H. H. Griffin, | J. T. Royalty, |
| W. G. Baxter, | John C. Griffith, | S. M. Russell, |
| Charles C. Beard, | B. P. Grigsby, Sr., | J. T. Scott, |
| B. O. Becker, | Paul Gullion, | Ed. H. Shellman, |
| Peter Best, Jr., | James A. Hagan, | R. C. Simmons, |

| | | |
|---|---|---|
| Roger P. Blair, | W. C. Halbert, | Emmet P. Slattery, |
| Joe F. Bosworth, | Albert Hamilton, | W. W. Smith, |
| H. Kirby Bourne, | J. A. Hamon, | W. H. Southall, |
| J. C. Byland, | C. W. G. Hannah, | Hub L. Stevens, |
| W. T. Cain, | L. P. Head, | John A. Stevens, |
| M. F. Campbell, | D. C. Hopper, | Zeb. A. Stewart, |
| N. B. Chipman, | W. J. Jackson, | George W. Stone, |
| Bennett Clarke, | L. F. Johnson, | D. P. Taggart, |
| J. W. Clay, | W. H. Jones, | C. C. Terry, |
| W. D. Claybrooke, | Geo. D. Litsey, | A. J. Thompson, |
| H. K. Cole, | H. M. McCarty, | C. F. Thornton, |
| W. H. Cole, | Virgil McKnight, | Harry Weitkamp, |
| Henry M. Cox, | M. H. McLean, | T. A. Weldon, |
| Ed. Croan, | Henry C. Miller, | W. T. White, |
| Henry W. Curle, | R. W. Miller, | John B. Wicker, |
| Charles I. Dawson, | J. M. Mitchell, | Geo. S. Wilson, |
| A. L. Denny, | V. W. Morris, | J. T. Wilson, |
| Lawrence J. Diskin, | James S. Morris, | Munnell Wilson, |
| Thomas Drewry, | Ed. Mulcahy, | Wm. Wilt, |
| W. Reed Embry, | Ion B. Nall, | J. Hal Woodford, |
| Robert Enlow, | W. J. Osborne, | James C. Yaden, |
| J. A. Frazier, | Henry G. Overstreet, | Will A. Young, |
| M. T. Freeman, | C. M. Paynter, | J. A. Yates, |
| Taylor P. Gabbard, | John R. Ray, | Speaker Lawrence—96 |

The journals of the proceedings had in the two Houses on yesterday, pertaining to the election of a Senator in the Congress of the United States, as aforesaid, were read and approved by the joint assembly.

It appears upon reading and comparison of the two journals as aforesaid, that the vote taken in the two Houses separately on yesterday were as follows, viz.:

In the Senate--

Those who voted for Paynter were—

| | | |
|---|---|---|
| J. Embry Allen, | M. L. Harbeson, | R. W. Owen, |
| J. W. Cammack, | G. W. Hickman, | Laban Phelps, |
| J. Wheeler Campbell, | O. P. Hogan, | Nat. A. Porter, |

| | | |
|---|---|---|
| Albert H. Charlton, | R. L. Hubble, | E. K. Renaker, |
| J. P. Chinn, | Ben Johnson, | Frank Rives, |
| S. E. DeHaven, | Harry Lancaster, | Brent Spence, |
| C. B. Ecton, | Conn Linn, | W. W. Tabb, |
| Henry George, | H. S. McNutt, | E. C. Ward, |
| E. P. Gillenwaters, | P. S. Maxwell, | M. G. Watson, |
| S. T. Gorin, | J. W. Newman, | W. B. Whitt—31. |
| R. R. Grady, | | |

Those who voted for Cox were—

| | | |
|---|---|---|
| Alvis S. Bennett, | John W. Combs, | G. W. Shadoan—5. |
| Curtis F. Burnam, | Benjamin Sewell, | |

Those who voted for Burnam were—

William H. Cox,

In the House of Representatives—

Those who voted for Paynter were—

| | | |
|---|---|---|
| J. M. Alverson, | A. J. Gorham, | M. M. Redwine, |
| Louis W. Arnett, | B. P. Grigsby, Sr., | J. M. Robertson, |
| John Barr, | Paul Gullion, | J. T. Royalty, |
| E. Barry, | James A. Hagan, | S. M. Russell, |
| W. G. Baxter, | J. A. Hamon, | J. T. Scott, |
| Peter Best, Jr., | L. P. Head, | Ed. H. Shellman, |
| Roger P. Blair, | W. J. Jackson, | R. C. Simmons, |
| H. Kirby Bourne, | L. F. Johnson, | Emmet P. Slattery, |
| J. C. Byland, | Wm. F. Klair, | W. H. Southall, |
| N. B. Chipman, | Geo. D. Litsey, | Hub L. Stevens, |
| J. W. Clay, | H. M. McCarty, | John A. Stevens, |
| W. D. Claybrooke, | Virgil McKnight, | Zeb. A. Stewart, |
| Henry M. Cox, | M. H. McLean, | George W. Stone, |
| Ed. Croan, | Henry C. Miller, | C. C. Terry, |
| Henry W. Curle, | R. W. Miller, | A. J. Thompson, |
| Charles I. Dawson, | J. M. Mitchell, | C. F. Thornton, |
| Lawrence J. Diskin, | James S. Morris, | T. A. Weldon, |
| Thomas Drewry, | Ed. Mulcahy, | W. T. White, |
| W. Reed Embry, | Ion B. Nall, | John B. Wicker, |
| Robert Enlow, | W. J. Osborne, | Geo. S. Wilson, |

| | | |
|---|---|---|
| J. A. Frazier, | Henry G. Overstreet, | J. T. Wilson, |
| Lloyd W. Gates, | C. M. Paynter, | Munnell Wilson, |
| W. J. Gooch, | John R. Ray, | J. Hal Woodford—69. |

Those who voted for Cox were—

| | | |
|---|---|---|
| Charles C. Beard, | M. T. Freeman, | W. H. Jones, |
| B. O. Becker, | Taylor P. Gabbard, | V. W. Morris, |
| Joe F. Bosworth, | H. H. Griffin, | Richard S. Rose, |
| W. T. Cain, | John C. Griffith, | W. W. Smith, |
| M. F. Campbell, | W. C. Halbert, | D. P. Taggart, |
| Bennett Clarke, | Albert Hamilton, | Harry Weitkamp, |
| H. K. Cole, | C. W. G. Hannah, | Wm. Wilt, |
| W. H. Cole, | D. C. Hopper, | James C. Yaden—25. |
| A. L. Denny, | | |

In summing up the vote as given above, it was found to be as follows, viz.:

In the Senate—

For Thomas H. Paynter .....31 votes.
For William H. Cox ..... 5 votes.
For Curtis F. Burnam ..... 1 vote.

In House of Representatives—

For Thomas H. Paynter .....69 votes.
For William H. Cox .....25 votes.

It appearing from the reading and comparison of the journals aforesaid that Thomas H. Paynter received a majority of all the votes cast in each House, a majority of all the members elected to each House being present and voting.

The Hon. William P. Thorne, Lieutenant Governor and President of the Senate announced and declared that the Hon. Thomas H. Paynter is duly elected a Senator in the Congress of the United States from the State of Kentucky, for a term of six years, to succeed the Hon. Joseph C. S. Blackburn, whose term of office will expire on the fourth day of March, A. D., 1907.

The journals of the two Houses of the proceedings of the joint assembly of to-day were read and approved by the joint assembly.

Mr. Redwine moved that the two Houses being convened in joint assembly, do now proceed, in pursuance to the resolution adopted on yesterday, and the order issued by the Speaker of the House thereunder, to the election of two members of the "Board of Commissioners to govern the penitentiaries of this Commonwealth" to succeed Edward Finnell and Harvey S. McCutchen.

Said motion was agreed to.

The roll of the members of the joint assembly was called and the following answered to their names, viz.:

In the Senate—

| | | |
|---|---|---|
| J. Embry Allen, | S. T. Gorin, | R. W. Owen, |
| Alvis S. Bennett, | R. R. Grady, | Laban Phelps, |
| Curtis F. Burnam, | M. L. Harbeson, | Nat. A. Porter, |
| J. W. Cammack, | G. W. Hickman, | E. K. Renaker, |
| J. Wheeler Campbell, | O. P. Hogan. | Frank Rives, |
| Albert H. Charlton, | R. L. Hubble, | Benjamin Sewell, |
| J. P. Chinn, | Ben Johnson, | G. W. Shadoan, |
| John W. Combs, | Harry Lancaster, | Brent Spence, |
| William H. Cox, | Conn Linn, | W. W. Tabb, |
| S. E. DeHaven, | P. S. Maxwell, | E. C. Ward, |
| C. B. Ecton, | H. S. McNutt, | M. G. Watson, |
| Henry George, | J. W. Newman, | W. B. Whitt—37. |
| E. P. Gillenwaters, | | |

In the House of Representatives—

| | | |
|---|---|---|
| J. M. Alverson, | Lloyd W. Gates, | M. M. Redwine, |
| Louis W. Arnett, | W. J. Gooch, | J. M. Robertson, |
| John Barr, | A. J. Gorham, | Richard S. Rose, |
| E. Barry, | H. H. Griffin, | J. T. Royalty, |
| W. G. Baxter, | John C. Griffith, | S. M. Russell, |
| Charles C. Beard, | B. P. Grigsby, Sr., | J. T. Scott, |
| B. O. Becker, | Paul Gullion, | Ed. H. Shellman, |

| | | |
|---|---|---|
| Peter Best, Jr., | James A. Hagan, | R. C. Simmons, |
| Roger P. Blair, | W. C. Halbert, | Emmet P. Slattery, |
| Joe F. Bosworth, | Albert Hamilton, | W. W. Smith, |
| H. Kirby Bourne, | J. A. Hamon, | W. H. Southall, |
| J. C. Byland, | C. W. G. Hannah, | Hub L. Stevens, |
| W. T. Cain, | L. P. Head, | John A. Stevens, |
| M. F. Campbell, | D. C. Hopper, | Zeb. A. Stewart, |
| N. B. Chipman, | W. J. Jackson, | George W. Stone, |
| Bennett Clarke, | L. F. Johnson, | D. P. Taggart, |
| J. W. Clay, | W. H. Jones, | C. C. Terry, |
| W. D. Claybrooke, | Geo. D. Litsey, | A. J. Thompson, |
| H. K. Cole, | H. M. McCarty, | C. F. Thornton, |
| W. H. Cole, | Virgil McKnight, | Harry Weitkamp, |
| Henry M. Cox, | M. H. McLean, | T. A. Weldon, |
| Ed. Croan, | Henry C. Miller, | W. T. White, |
| Henry W. Curle, | R. W. Miller, | John B. Wicker, |
| Charles I. Dawson, | Chris Mueller, | Geo. S. Wilson, |
| A. L. Denny, | V. W. Morris, | J. T. Wilson, |
| Lawrence J. Diskin, | James S. Morris, | Munnell Wilson, |
| Thomas Drewry, | Ed. Mulcahy, | Wm. Wilt, |
| W. Reed Embry, | Ion B. Nall, | J. Hal Woodford, |
| Robert Enlow, | W. J. Osborne, | James C. Yaden, |
| J. A. Frazier, | Henry G. Overstreet, | J. A. Yates, |
| M. T. Freeman, | C. M. Paynter, | Will A. Young, |
| Taylor P. Gabbard, | John R. Ray, | Speaker Lawrence—96 |

The said Hon. William P. Thorne, Lieutenant Governor and President of the Senate announced that nominations for said offices were in order.

Senator George named Eli H. Brown, Jr., of the county of Nelson, and Harvey S. McCutchen, of the county of Logan, as suitable persons to fill said offices.

Senator Burnam, named Isaac C. Adair, of the county of Ohio, and W. W. Braily of the county of Knox, as suitable persons to fill offices:

The joint assembly thereupon proceeded to take the vote as between the persons above named and it resulted as follows, viz.:

In summing up the said vote it was found as follows, viz.:

In the Senate—

Those who voted for Brown and McCutcheon were—

| | | |
|---|---|---|
| J. Embry Allen, | M. L. Harbeson, | R. W. Owen, |
| J. W. Cammack, | G. W. Hickman, | Laban Phelps, |
| J. Wheeler Campbell, | O. P. Hogan, | Nat. A. Porter, |
| Albert H. Charlton, | R. L. Hubble, | E. K. Renaker, |
| J. P. Chinn, | Ben Johnson, | Frank Rives, |
| S. E. DeHaven, | Harry Lancaster, | Brent Spence, |
| C. B. Ecton, | Conn Linn, | W. W. Tabb, |
| Henry George, | P. S. Maxwell, | E. C. Ward, |
| E. P. Gillenwaters, | H. S. McNutt, | M. G. Watson, |
| S. T. Gorin, | J. W. Newman, | W. B. Whitt—31. |
| R. R. Grady, | | |

Those who voted for Adair and Brown were—

| | | |
|---|---|---|
| Alvis S. Bennett, | John W. Combs, | Benjamin Sewell, |
| Curtis F. Burnam, | William H. Cox, | G. W. Shadoan—6. |

In the House of Representatives—

Those who voted for Brown and McCutcheon were—

| | | |
|---|---|---|
| J. M. Alverson, | B. P. Grigsby, Sr., | J. T. Royalty, |
| Louis W. Arnett, | Paul Gullion, | S. M. Russell, |
| John Barr, | James A. Hagan, | J. T. Scott, |
| E. Barry, | J. A. Hamon, | Ed. H. Shellman, |
| W. G. Baxter, | L. P. Head, | R. C. Simmons, |
| Peter Best, Jr., | W. J. Jackson, | Emmet P. Slattery, |
| Roger P. Blair, | L. F. Johnson, | W. H. Southall, |
| H. Kirby Bourne, | Geo. D. Litsey, | Hub L. Stevens, |
| J. C. Byland, | H. M. McCarty, | John A. Stevens, |
| N. B. Chipman, | Virgil McKnight, | Zeb. A. Stewart, |
| J. W. Clay, | M. H. McLean, | George W. Stone, |
| W. D. Claybrooke, | Henry C. Miller, | C. C. Terry, |
| Henry M. Cox, | R. W. Miller, | A. J. Thompson, |
| Ed. Croan, | J. M. Mitchell, | C. F. Thornton, |
| Henry W. Curle, | James S. Morris, | T. A. Weldon, |

Charles I. Dawson,
Lawrence J. Diskin,
Thomas Drewry,
W. Reed Embry,
Robert Enlow,
J. A. Frazier,
Lloyd W. Gates,
W. J. Gooch,
A. J. Gorham,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
John R. Ray,
M. M. Redwine,
J. M. Robertson,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson,
J. Hal Woodford,
Will A. Young,
Speaker Lawrence—70

Those who voted for Adair were—

Charles C. Beard,
B. O. Becker,
Joe F. Bosworth,
W. T. Cain,
M. F. Campbell,
Bennett Clarke,
H. K. Cole,
W. H. Cole,
A. L. Denny,
M. T. Freeman,
Taylor P. Gabbard,
H. H. Griffin,
John C. Griffith,
W. C. Halbert,
Albert Hamilton,
C. W. G. Hannah,
D. C. Hopper,
W. H. Jones,
V. W. Morris,
Richard S. Rose,
W. W. Smith,
D. P. Taggart,
Harry Weitkamp,
Wm. Wilt,
James G. Yaden.
J. A. Yates—26.

Those who voted for Braily were—

Charles C. Beard,
B. O. Becker,
Joe F. Bosworth,
W. T. Cain,
M. F. Campbell,
Bennett Clarke,
H. K. Cole,
W. H. Cole,
M. T. Freeman,
Taylor P. Gabbard,
H. H. Griffin,
John C. Griffith,
W. C. Halbert,
Albert Hamilton,
C. W. G. Hannah,
D. C. Hopper,
W. H. Jones,
V. W. Morris,
Richard S. Rose,
W. W. Smith,
D. P. Taggart,
Harry Weitkamp,
Wm. Wilt,
James C. Yaden,
J. A. Yates—25.

In Senate—

For Mr. Eli H. Brown, Jr. .....31 votes.
For Mr. Harvey S. McCutchen .....31 votes.
For Mr. Isaac C. Adair ..... 6 votes.
For Mr. W. W. Braily ..... 6 votes.

In House of Representatives—

For Mr. Eli H. Brown, Jr. .....70 votes.
For Mr. Harvey S. McCutchen .....70 votes.
For Mr. Isaac C. Adair .....26 votes.
For Mr. W. W. Braily .....25 votes.

Total number of votes cast .....133
Necessary to a choice ..... 67

It appearing that Eli H. Brown, Jr., and Harvey S. McCutchen received a majority of all the votes cast, a majority of all the members elected to each House being present and voting

The Hon. William P. Thorne, Lieutenant Governor and President of the Senate announced and declared that Eli H. Brown, Jr., and Harvey S. McCutchen were duly elected members of the "board to govern the penitentiaries of the Commonwealth," for a term of four years to succeed Edward Funnell and Harvey S. McCutchen, whose terms of office expire upon the election and qualification of their successors.

Mr. George moved that the joint assembly do now dissolve.

Said motion was agreed to.

The Senate retired to their chamber and the Speaker of the House of Representatives resumed the chair and called the House to order.

And then the House adjourned.

THURSDAY, JANUARY 11, 1906.

The House was opened with prayer by Rev. M. B. Adams, pastor of the Baptist church at Frankfort, Ky.

The Journal of yesterday's proceedings was read and approved.

Mr. Klair asked that it be noted on the Journal, that had he been present on yesterday, he would have voted for Thomas H. Paynter, for United States Senator, and also for Eli H. Brown, Jr., and Harvey S. McCutchen, for member of the "Board of Commissioners to govern the Penitentiaries of this Commonwealth."

Ordered that same be granted and the entry made.

Mr. Overstreet presented the petition of sundry citizens, asking for the repeal of the existing law regarding net fishing, and the enactment of a law for the protection of the growing fish.

Which was received the reading thereof dispensed with and ordered to be referred to the Committee on Fish, Game and Forestry.

Mr. James S. Morris presented the petition of the inmates of the Kentucky Confederate Home, asking for such change in the law regulating the home as will permit each inmate to reside at his own home, and draw the per capita allowed inmates of the home as a pension.

Which was received, the reading thereof dispensed with and ordered to be referred to the Committee on Charitable Institutions.

Mr. McKnight offered the following resolution, viz.:

Whereas, The last House of Representatives did set the precedent of holding memorial exercises in memory of the Hon. Wil-

liam Goebel, late Governor of this Commonwealth, and whereas in the judgment of this House the precedent should be followed.

Therefore, Be it resolved, by the House of Representatives of the General Assembly of the Commonwealth of Kentucky that January 30, 1906, be and is set apart as a suitable day upon which to hold these services, and that the Speaker appoint a committee of five to make proper arrangements for said event. The said committee shall select a suitable orator for the occasion and shall invite the co-operation of the Senate and of the citizens of Frankfort in the matter, and shall make all arrangements that may be necessary to make the occasion of the dignity it should be.

Said resolution was agreed to.

Mr. Barry offered the following resolution, viz.:

Resolved, That the Capitol Commission be respectfully requested within ten days to furnish this General Assembly with a complete list of the names of all persons on the pay roll of said commission, stating the capacity in which each person is employed and the salary paid to each for such services.

Said resolution was agreed to.

Mr. Gabbard offered the following joint resolutions, viz.:

A resolution urging the Senators and Representatives from Kentucky in the Congress of the United States to use their efforts to secure improvements in the water ways of the Commonwealth.

Whereas, There are within this State large areas of productive farming and mineral land lying upon the waters of the Big Sandy, Green, Barren, Salt and Cumberland rivers and of the Kentucky river and its three forks which are entirely cut off from transportation; and

Whereas, The industries of Kentucky contribute $25,000,000 a year to the general revenue; and

Whereas, The United States Government has attempted the im-

provement of certain water ways within the confines of this State, but is moving with such slowness in the completion of same; therefore, be it

Resolved by the House of Representatives and the Senate of the Legislature of the Commonwealth of Kentucky, that the Senators and Representatives from this State in the Congress of the United States of America are hereby requested to exert their influence to secure the immediate appropriation of funds sufficient to complete the improvements already started in the Big Sandy, Green, Barren, Salt, Cumberland and Kentucky rivers, and to further secure an appropriation sufficient to lock and dam the south, middle and north forks of the Kentucky river to their head waters; be it further

Resolved, That a copy of these resolutions be presented by the Clerk of the House to each Senator and Representative from Kentucky in the Congress of the United States.

Which was read and ordered to lie over one day.

Mr. Mulcahy, offered the following joint resolution, viz.:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the auditor shall require of the State banks of this Commonwealth a report every sixty days of the entire amount of money received by each bank from the State and paid out, and what disposition made of all such funds. This resolution to take effect from and after its passage.

Which was read and ordered to lie over one day.

The Speaker laid before the House the following communication from the Governor, viz.:

Commonwealth of Kentucky,
Executive Department,
Frankfort, Ky., January 11, 1906.

*Gentlemen of the House of Representatives:*

I herewith transmit to you a copy of a report made to me by the

State Inspector and Examiner of the result of his examination of the affairs of the State revenue agents. I respectfully request that you take such action in the matter as your judgment may deem best.

Very truly,
J. C. W. BECKHAM,
Governor of Kentucky.

The report of the State Inspector and Examiner referred to thereon is as follows, viz.:

State of Kentucky,
Office of State Inspector and Examiner.
Frankfort, Ky., December 1, 1905.

To His Excellency, J. C. W. Beckham,
Governor of the Commonwealth of Kentucky:

Sir:—I desire to make the following report of the investigation of the Revenue Agency System of the State under the Revenue Law of 1902:

This investigation was made under your order of July 1, 1905, and covers all transactions of the four revenue agents of the State at large from July 1, 1902, to August 1, 1905, and of the revenue agent for Jefferson county from January 1, 1904, to August 1, 1905.

I have examined, or caused to be examined, the office of county court clerk in every county in the State for records showing proceedings for the assessment of property omitted from taxation or suits for delinquent license taxes, where the proceedings were filed by the revenue agents for the State at large, and in Jefferson county have included the proceedings, also, instituted by the county revenue agent.

It was necessary to examine the records of the State Fiscal court and the reports from the revenue agents and county court clerks filed in the Auditor's office, in order to complete this examination.

The agents for State at large were appointed by Gus G. Coulter, while Auditor of Public Accounts, upon the following dates:

T. C. Albritton.....June 18, 1902
Frank A. Lucas.....June 28, 1902
A. M. Harrison.....June 28, 1902
Geo. H. Alexander.....September 2, 1903

A. J. Bizot, agent of Jefferson county, was appointed by S. W. Hager, Auditor, January 4, 1904.

The records of the Jefferson County Court Clerk's office show that during the time covered in this investigation, 1,867 cases have been filed in that county by the above-named agents, and that 471 of said cases have resulted in assessments of property or judgments favorable to the Commonwealth.

In the State, exclusive of Jefferson county, the records disclosed 3,157 cases, and judgments favorable to the Commonwealth in 1,393 instances, making a total of 5,024 proceedings filed or instituted by these agents and 1,864 judgments in favor of the Commonwealth.

This total does not include a great number of instances where taxpayers have been served with notice of proceedings filed against them, for the reason that in some counties the clerks kept no record or files of the cases which were dismissed or abandoned by the agents and the true number of proceedings instituted will greatly exceed the number as given above.

The amount due the State and counties under these proceedings is $333,084.98, and for their services the above-named agents received, as penalties or commissions, $64,967.57.

This investigation discloses that there is still due and owing the State of Kentucky a sum in excess of $6,365.79, for which no proper report or charge has ever been made.

A detailed statement of these amounts are given elsewhere in this report.

As to whether or not the counties have received the correct or full amounts due them was not a subject of inquiry under this investigation.

For report upon the manner in which these agents have dis-

charged their duties, I desire to say that the difference between the number of proceedings instituted and the number in which judgments in favor of the Commonwealth have been entered, indicates that in a large number of instances the proceedings were begun without sufficient investigation or proper information on the part of the agent, and that taxpayers who have complied with the law in listing their property for taxation have been put to annoyance and expense in defending such proceedings.

The duties of agents are clearly defined in sections 4241 and 4258 to 4265, Kentucky Statutes; it is their duty to cause to be listed for taxation all property or any portion of property omitted from assessment by the county assessors or the assessing boards of the State and county, for any year or years.

The manner in which they shall proceed is specifically set out; they shall file in the county court clerk's office a statement containing a description and the value of the property proposed to be assessed, and after due notice at the next regular term of the county court, if it shall appear that the property is liable for taxes and has not been assessed, the court shall enter an order fixing the fair cash value of the property, which shall be certified to the sheriff of the county and the taxes due on same collected and accounted for as other taxes.

It is also their duty, when directed by the Auditor, to institute suits or motions in the name of the Commonwealth against delinquent officers or other persons to recover money due the State; and, further, they may, under the direction of the Auditor, sell lands which the State has purchased at sheriffs' tax sales.

There is nowhere any authority or right given the agents to assess any property for taxation; nor any authority or right to collect or receive money due the State, except under the direction of, and with authority from, the Auditor.

In practically all cases found during this investigation, where there has been assessment of property for taxation, it appears that the valuation or assessments have been made by agreement between

the agents and the taxpayers, or their attorneys, the order fixing the valuation and tax years being filed as an agreed or consent judgment, as in an ordinary civil action. No proof is heard by the court or oath administered to the property owner, nor does the agent make or file any statement showing upon what facts the valuations are based.

Two of the agents, Frank A. Lucas and A. M. Harrison, have made it a practice, wherever they could do so, to collect the money due the State, without authority being given them by the Auditor, and in the instances set out in the detailed statement herein filed, failed to pay same to the State or to make any report of same to the Auditor.

In the few instances in which the other agents have collected money without special authority, it appears that the money has been, without delay, paid into the treasury and no special report is made as to these agents.

Frank A. Lucas, Revenue Agent for the State at large, seems to have construed the law as giving him not only the right to determine upon the assessment and valuation of the property, but also the right to collect the taxes due upon the assessments. It seems to be his general practice or plan to collect from as many taxpayers as possible by agreement as to the valuation and years to be paid on, and when he completed his work for a county, he filed with the county court clerk a list giving names and assessments. This list is in the form of an order of court assessing the property and is recorded as such by the clerk.

The amount of taxes due under the list, he pays to the sheriff of the county or remits amount due the State, with a report to the Auditor.

The investigation of his transactions, on account of this practice, has been, for the most part, merely a comparison of the records which he has filed in the county court, with the records which he has sent to the Auditor's office.

It has been, and is, impossible to check up his transactions, as

there is no record or basis upon which an investigation can be made as to whether or not he has assessed property and collected taxes from numerous people to whom he mails notices of liability for taxes, with the threat to institute proceedings in the county court for the assessment of the property, unless the taxes are settled with him; there is no record made of the parties to whom he mails these notices, and if he fails or omits to file with the clerk a full and true list of the settlements made by him, the matter is closed, and there is no record by which to ascertain the amount due the State and county.

The number of taxpayers from whom he secures settlements makes it thoroughly impracticable to check up the work reported by him; by attempting an examination of the receipts issued by him in the hands of the taxpayers, an endless undertaking, and it is left entirely to such individual taxpayer to see that a correct report or any report is made of the collection. The practice is not only without warrant of law, and seriously objectionable, because there can be no check or system by which it can be determined that the full amounts due the State and counties are reported and paid, but it also has been the occasion of confusion and omission of proper charges against sheriffs on their revenue accounts, by reason of the failure of clerks of county courts to forward copies of the orders of assessment, which failures have been caused by his assumption of authority, as an officer for the State at large, to collect taxes and report same.

He has persisted in this practice in the face or notification from the Auditor that he had no authority to make collections, and the attention of the Auditor is respectfully called to the fact that he continues to transact the duties of his office in a manner not authorized by law.

On July 24 and 26, 1905, I filed with you reports growing out of this investigation, showing the manner in which the case against the Ford Lumber & Manufacturing Company, instituted by A. M. Harrison, agent for the State at large, in the Clark County Court

was settled; that for $1,000, in cash paid Harrison, he had entered in said case a judgment of assessment fixing the amount of taxes to be paid the Commonwealth by the defendant company at $148.50; and that in the case against Swann-Day Lumber Company, instituted by said A. M. Harrison, in the Powell County Court, in consideration of $1,500, paid to Ed Oder, claiming to represent him, the said Harrison signed and had filed in said case an order under which the amount of taxes defendant would have to pay the State was $85. No report concerning these payments has ever been made by said Harrison, and no part of same has reached the treasury of the State.

Shortly after the filing of these reports I learned that said A. M. Harrison had made demands upon some of the distillers in central Kentucky for taxes on distilled spirits, claiming that he had copies from the United States Collector's office at Lexington, Kentucky, of the records of withdrawals and that these distillers had failed to pay the Commonwealth the full amount of taxes due. Upon investigation, I found that he had collected from E. H. Taylor, Jr., & Sons, of Frankfort, on April 7, 1905, the sum of $373.95, as taxes due on distilled spirits, and no record or report of this transaction has been made by him nor has the money he collected ever been paid into the treasury.

The said A. M. Harrison was removed from office during this investigation by S. W. Hager, Auditor of Public Accounts, on account of the transactions set out in the above-mentioned reports and for failure to renew bond, and his power to further represent the Commonwealth ceased.

In a number of counties in eastern Kentucky, said Harrison has sold lands which the State had formerly bought in for taxes due it at sheriffs' tax sales, and there has been no report made by him of any sales, except those in Bell county, in 1903. All sales made by him since January 1, 1904, have been made without direction or consent of the Auditor, S. W. Hager.

On June 3, 1903, he made report to the Auditor's office of sale of

the Hinkley lands in Bell county on May 8, 1903, and the money due on same was paid to the treasurer.

On June 10, 1904, he filed a list of other lands in Bell county, with a pencil memorandum, showing that the same were sold to E. N. Yelland & Co., of Philadelphia, Pennsylvania, on May 8, 1903, and reported that certificates of these sales were then being made.

The representatives of E. N. Yelland, now deceased, claim that about $1,500 was paid to said Harrison on these sales, and that he has stated to them that this amount had been retained by him as his commissions for the sale. No further report has been filed in the Auditor's office concerning this transaction, and the Commonwealth has not received any sum from said sales, nor have deeds been executed for said lands.

I requested of A. M. Harrison information as to his land sales in counties other than Bell, and received a statement that the records which he could find only disclosed the following: That he had collected from this source the sum of $18.50 from W. S. Ewing, of Corbin, Kentucky, and from McClurg & Bradley, of Rowan county, $11.67, and from A. S. Nichols, of Morehead, same county, the sum of $17.22. In Rowan county the only record made by him shows the collection from C. E. Day, on June 1, 1904, of the sum of $22.57 in the matter of land sales.

Should one of the revenue agents be directed to advertise and sell all lands bought by the State in counties where he has operated, it may bring to light the certificates of sales or receipts issued by him.

A short time prior to his removal he had made arrangements with a number of attorneys at different points in the State, giving them authority to bring suits for the assessment of property omitted from taxation by the use of his name and official title, and was exercising no authority or control over them or the cases filed, being interested solely in receiving part of whatever penalties were realized in the cases. He had also entered into a written contract with four other attorneys, giving them the right to use his name and office in

the prosecution of actions authorized by law, anywhere in the State, from the proceeds of which he was to receive one-fifth of the amounts realized as penalties or commissions after deducting expenses.

In order to determine the amount of penalties received by agents, it has been necessary to ascertain the amount of taxes due the county on each assessment, and this has been done from the county levy as furnished by the clerk.

Where judgments have shown the amount of penalties received by the agent, this amount has been charged instead of the exact 20 per cent. allowed by law.

The variation by this has been small, except in a case in Woodford county, wherein a consent judgment was entered December 9, 1902, the penalty upon which would have amounted to $1,304.87, while the record discloses that by agreement T. C. Albritton, the agent bringing the suit, accepted $1,000 as the penalty.

From the proceedings recorded in the county court clerk's offices, from the records of the Franklin Circuit Court, and the reports made by revenue agents to the Auditor, the following amounts should have been realized for the State and various counties:

| | |
|---|---|
| State | $226,987 65 |
| Counties | 106,097 33 |

From the State from the following sources:

| | |
|---|---|
| Taxes on omitted property and delinquent license | $184,399 16 |
| Collection of past due interest on taxes | 15,651 54 |
| Amount for sale of lands | 26,936 95 |

Amount of penalties received by agents from following sources:

| | |
|---|---|
| On taxes on omitted property and delinquent license | $57,796 72 |
| On collection past due interest | 3,130 31 |
| On land sales | 4,040 54 |

Amounts due State and counties by fiscal years:

From July 1, 1902, to June 30, 1903..... $73,455 08
From July 1, 1903, to June 30, 1904..... 52,959 62
From July 1, 1904, to June 30, 1905..... 188,276 37
From July 1, 1905, to August 1, 1905..... 18,393 91

Amount of penalties received by each agent during period investigated:

By T. C. Albritton, Agent State at Large..... $28,624 17

On taxes on omitted property and delinquent license ..... $24,606 95
On collection past due interest..... 3,016 76
On land sales..... 1,000 41

By fiscal years:

From July 1, 1902, to June 30, 1903..... $11,824 87
From July 1, 1903, to June 30, 1904..... 6,183 20
From July 1, 1904, to June 30, 1905..... 10,262 30
From July 1, 1905, to August 1, 1905..... 353 80

By Geo. H. Alexander, Agent State at Large..... $15,087 08

On taxes omitted property..... $14,050 58
On land sales..... 1,036 50

By fiscal years:

From September 2, 1903, to June 30, 1904.. $ 932 85
From July 1, 1904 to June 30, 1905..... 13,669 72
From July 1, 1905, to August 1, 1905..... 484 51

By Frank A. Lucas, Agent State at Large, on taxes on omitted property and license..... $6,617 95

By fiscal years:

From July 1, 1902, to June 30, 1903..... $1,626 97
From July 1, 1903, to June 30, 1904..... 1,684 99

| | | |
|---|---|---|
| From July 1, 1904, to June 30, 1905..... | 2,638 58 | |
| From July 1, 1905, to August 1, 1905..... | 667 41 | |
| By A. M. Harrison, Agent State at Large..... | | $2,387 49 |
| On taxes on omitted property and license... | $1,705 00 | |
| On collections past due interest..... | 113 55 | |
| On land sales..... | 568 94 | |
| By fiscal years: | | |
| From July 1, 1902, to June 30, 1903..... | $ 455 39 | |
| From July 1, 1903, to June 30, 1904..... | 61 34 | |
| From July 1, 1904, to June 30, 1905..... | 1,464 88 | |
| From July 1, 1905, to August 1, 1905..... | 405 88 | |
| By A. J. Bizot, Agent Jefferson County..... | | $12,359 95 |
| On taxes on omitted property..... | $10,811 76 | |
| On land sales..... | 1,548 19 | |
| By fiscal years: | | |
| From January 1, 1904, to June 30, 1904.... | $1,305 56 | |
| From July 1, 1904, to June 30, 1905..... | 9,318 07 | |
| From July 1, 1905, to August 1, 1905..... | 1,736 32 | |

The following shows the amount of taxes due State and county under the proceedings of each agent, by fiscal years:

| County and Agent. | Year. | State. | County Tax. | Total. |
|---|---|---|---|---|
| Anderson—Albritton | 1903-4 | $600 00 | $600 00 | $1,200 00 |
| Anderson—Harrison | 1904-5 | 241 45 | 245 95 | 487 40 |
| Total | | | | $1,687 40 |
| Bath—Albritton | 1903-4 | 1,329 45 | 1,566 10 | 2,895 55 |
| Boone—Lucas | 1904-5 | 15 00 | 15 00 | 30 00 |

| County and Agent. | Year. | State. | County Tax. | Total. |
|---|---|---|---|---|
| Boyle—Albritton | 1903-4 | 529 03 | 402 67 | 931 70 |
| Bracken—Albritton | 1902-3 | 210 00 | 200 00 | 410 00 |
| Bourbon—Albritton | 1902-3 | 4,112 65 | 3,760 39 | 7,873 01 |
| Bourbon—Albritton | 1903-4 | 1,517 84 | 1,380 76 | 3,898 60 |
| Bourbon—Harrison | 1904-5 | 600 00 | 527 10 | 1,127 10 |
| Bourbon—Harrison | 1905-5 | 253 86 | 223 77 | 477 63 |
| Total | | | | $12,376 37 |
| Christian—Albritton | 1902-3 | 237 82 | ..... | 237 82 |
| Christian—Lucas | 1905-5 | 694 26 | 695 75 | 1,390 01 |
| Total | | | | $1,627 83 |
| Clark—Albritton | 1903-4 | 228 02 | 231 50 | 459 52 |
| Clark—Harrison | 1904-5 | 1,812 50 | 1,830 00 | 3,642 50 |
| Clark—Harrison | 1905-5 | 417 15 | 419 52 | 836 67 |
| Total | | | | $4,938 69 |
| Daviess—Albritton | 1902-3 | 740 06 | 352 41 | 1,092 47 |
| Daviess—Lucas | 1903-4 | 680 31 | 552 68 | 1,232 99 |
| Daviess—Lucas | 1904-5 | 597 04 | 471 23 | 1,068 27 |
| Daviess—Lucas | 1905-5 | 18 88 | 17 58 | 36 46 |
| Total | | | | $3,430 19 |
| Franklin—Albritton | 1903-4 | 2,839 97 | 4,152 06 | 6,992 03 |
| Franklin—Albritton | 1904-5 | 2,062 50 | 2,475 00 | 4,537 50 |
| Franklin—Alexander | 1904-5 | 786 69 | 963 30 | 1,749 99 |
| Total | | | | $13,297 52 |
| Fulton—Albritton | 1902-3 | 835 63 | 250 94 | 1,086 57 |

| County and Agent. | Year. | State. | County Tax. | Total. |
|---|---|---|---|---|
| Fulton—Lucas | 1905-5 | 1,062 59 | 843 80 | 1,906 39 |
| Total | | | | $2,992 96 |
| Garrard—Albritton | 1903-4 | 298 37 | 303 00 | 601 37 |
| Graves—Albritton | 1902-3 | 1,086 33 | 786 29 | 1,872 62 |
| Graves—Lucas | 1902-3 | 52 50 | 38 00 | 90 50 |
| Graves—Lucas | 1903-4 | 96 64 | 89 22 | 185 86 |
| Total | | | | $2,148 98 |
| Grayson—Lucas | 1903-4 | 56 95 | 31 31 | 88 26 |
| Hardin—Albritton | 1903-4 | 364 49 | 220 64 | 585 13 |
| Hardin—Alexander | 1904-5 | 151 73 | 98 26 | 249 99 |
| Total | | | | $835 12 |
| Henry—Albritton | 1903-4 | 751 01 | 760 40 | 1,511 41 |
| Hopkins—Lucas | 1902-3 | 657 23 | 624 47 | 1,281 70 |
| Hopkins—Lucas | 1903-4 | 528 08 | 494 37 | 1,022 45 |
| Total | | | | $2,304 15 |
| Jackson—Harrison | 1903-4 | 3 58 | ..... | 3 58 |
| Jefferson—Albritton | 1902-3 | 10,616 62 | 3,437 74 | 14,054 36 |
| Jefferson—Lucas | 1902-3 | 2,850 00 | ..... | 2,850 00 |
| Total | | | | $16,904 36 |
| Jefferson—Albritton | 1903-4 | 1,156 01 | 540 30 | 1,696 31 |
| Jefferson—Bizot | 1903-4 | 3,299 69 | 1,624 03 | 4,923 72 |
| Jefferson—Lucas | 1903-4 | 200 00 | ..... | 200 00 |
| Total | | | | $6,820 03 |

| County and Agent. | Year. | State. | County Tax. | Total. |
|---|---|---|---|---|
| Jefferson—Albritton | 1904-5 | 18,126 08 | 9,013 51 | 27,139 59 |
| Jefferson—Alexander | 1904-5 | 43,199 47 | 22,035 03 | 65,234 50 |
| Jefferson—Lucas | 1904-5 | 4,476 45 | 2,539 29 | 7,015 74 |
| Jefferson—Bizot | 1904-5 | 26,418 09 | 14,457 63 | 40,875 72 |
| Jefferson—Harrison | 1904-5 | 122 50 | 59 00 | 181 50 |
| Total | | | | $140,447 05 |
| Jefferson—Albritton | 1905-5 | 400 00 | 220 00 | 620 00 |
| Jefferson—Alexander | 1905-5 | 1,555 30 | 867 16 | 2,422 46 |
| Jefferson—Bizot | 1905-5 | 5,275 81 | 2,988 38 | 8,264 19 |
| Total | | | | $11,306 65 |
| Total Jefferson county | | | | $175,478 09 |
| Jessamine—Albritton | 1903-4 | 455 51 | 447 49 | 903 00 |
| Laurel—Albritton | 1902-3 | 341 25 | ..... | 341 25 |
| Lincoln—Albritton | 1902-3 | 779 62 | ..... | 779 62 |
| Montgomery—Albritton | 1902-3 | 273 00 | 312 00 | 585 00 |
| Montgomery—Albritton | 1903-4 | 363 63 | 450 75 | 814 38 |
| Total | | | | $1,399 38 |
| McCracken—Albritton | 1902-3 | 5,078 57 | ..... | 5,078 57 |
| McCracken—Lucas | 1902-3 | 845 44 | 1,351 95 | 2,197 39 |
| McCracken—Albritton | 1904-5 | 1,795 55 | 2,991 84 | 4,787 39 |
| Total | | | | $12,063 35 |
| Madison—Albritton | 1902-3 | 2,192 13 | ..... | 2,192 13 |
| Madison—Albritton | 1903-4 | 1,998 29 | 2,309 87 | 4,308 16 |
| Madison—Albritton | 1904-5 | 49 50 | 57 00 | 106 50 |
| Total | | | | $6,606 79 |

| County and Agent. | Year. | State. | County Tax. | Total. |
|---|---|---|---|---|
| Menifee—Harrison | 1903-4 | 39 75 | ..... | $39 75 |
| Muhlenberg—Lucas | 1903-4 | 249 36 | 709 56 | 958 92 |
| Nicholas—Albritton | 1903-4 | 58 75 | 60 00 | 118 75 |
| Nicholas—Albritton | 1904-5 | 246 25 | 246 25 | 492 50 |
| Total | | | | $611 25 |
| Ohio—Lucas | 1903-4 | 190 67 | 193 18 | 383 85 |
| Ohio—Lucas | 1904-5 | 95 31 | 95 37 | 190 68 |
| Total | | | | $574 53 |
| Oldham—Albritton | 1903-4 | 106 07 | 96 49 | 202 56 |
| Owen—Albritton | 1902-3 | 645 75 | ..... | 645 75 |
| Powell—Albritton | 1902-3 | 368 75 | 500 00 | 868 75 |
| Robertson—Albritton | 1902-3 | 125 00 | 247 50 | 372 50 |
| Robertson—Albritton | 1904-5 | 203 14 | 403 75 | 606 89 |
| Total | | | | $979 39 |
| Scott—Albritton | 1902-3 | 255 91 | 252 65 | 508 56 |
| Scott—Albritton | 1903-4 | 21 87 | 22 87 | 44 74 |
| Total | | | | $553 30 |
| Simpson—Lucas | 1903-4 | 410 53 | 237 28 | 647 81 |
| Todd—Lucas | 1903-4 | 654 94 | 545 35 | 1,200 29 |
| Union—Lucas | 1902-3 | 849 90 | 865 95 | 1,715 85 |
| Union—Lucas | 1903-4 | 283 13 | 283 92 | 567 05 |
| Total | | | | $2,282 90 |

| County and Agent. | Year. | State. | County Tax. | Total. |
|---|---|---|---|---|
| Wayne—Harrison | 1904-5 | 9 25 | 3 70 | $ 12 95 |
| Warren—Lucas | 1903-4 | 446 23 | 386 18 | 832 41 |
| Warren—Harrison | 1904-5 | 50 00 | 42 50 | 92 50 |
| Total | | | | $924 91 |
| Webster—Lucas | 1903-4 | 584 98 | 522 80 | 1,107 78 |
| Washington—Albritton | 1902-3 | 262 50 | 475 00 | 737 50 |
| Woodford—Albritton | 1902-3 | 4,233 60 | 2,289 28 | 6,522 88 |
| Woodford—Albritton | 1903-4 | 1,090 63 | 912 53 | 2,003 16 |
| Woodford—Harrison | 1903-4 | 120 93 | 108 12 | 229 05 |
| Total | | | | $8,755 09 |
| Campbell—Lucas | 1904-5 | 979 60 | 374 96 | 1,354 56 |
| Campbell—Harrison | 1904-5 | 73 90 | 28 20 | 102 10 |
| Campbell—Harrison | 1905-5 | 20 00 | 7 60 | 27 60 |
| Total | | | | $1,484 26 |
| Carroll—Albritton | 1902-3 | 716 47 | 664 05 | 1,380 52 |
| Carroll—Albritton | 1903-4 | 349 12 | 353 37 | 702 49 |
| Total | | | | $2,083 01 |
| Fayette—Albritton | 1902-3 | 4,548 98 | ..... | 4,548 98 |
| Fayette—Harrison | 1904-5 | 300 00 | ..... | 300 00 |
| Fayette—Harrison | 1905-5 | 22 58 | 22 58 | 45 16 |
| Total | | | | $4,894 14 |
| Harlan—Harrison | 1903-4 | 19 38 | 15 50 | 34 88 |
| Kenton—Albritton | 1902-3 | 2,527 48 | ..... | 2,527 48 |

| County and Agent. | Year. | State. | County Tax. | Total. |
|---|---|---|---|---|
| Kenton—Lucas | 1904-5 | 2,227 46 | 1,309 38 | $3,533 84 |
| Kenton—Harrison | 1904-5 | 144 20 | 103 70 | 247 90 |
| Kenton—Lucas | 1905-5 | 3 63 | 2 20 | 5 83 |
| Kenton—Harrison | 1905-5 | 420 75 | 221 50 | 642 25 |
| Total | | | | $6,960 30 |
| Shelby—Albritton | 1902-3 | 962 21 | 1,053 02 | 2,015 23 |
| Shelby—Albritton | 1903-4 | 845 99 | 818 51 | 1,664 50 |
| Shelby—Alexander | 1904-5 | 296 09 | 296 09 | 592 18 |
| Total | | | | $4,271 91 |

I further find that the following amounts due the Commonwealth in the cases set out below have not been paid into the treasury or properly reported to the Auditor of Public Accounts, and the same should be entered as charges against the sheriffs of the respective counties, except where otherwise indicated:

Franklin County—Assessment in case by G. H. Alexander, Agent:
Jas. A. Holt, December 12, 1904.....$ 786 69

Bourbon County—Assessment in case by T. C. Albritton, Agent:
R. T. Ford's Admr., February 8, 1903, balance due..... 1,500 00
H. B. Clay's Ex'r..... 73 74

McCracken County—Balance due by sheriff in settlement of taxes due in 23 cases by Albritton in 1904..... 114 07

Scott County—Assessments in cases by T. C. Albritton, Agent:
Linnie H. Stevenson, September 25, 1903..... 21 87
Reve J. Risk, June 29, 1903..... 34 00

Shelby County—Assessment in case by T. C. Albritton, Agent.

Pauline Crawford's Trustee, May, 1904 (appealed and affirmed) ..... $744 07

Montgomery County—Assessment in case by T. C. Albritton, Agent:

C. M. Stafford, November 16, 1903..... 11 70

Woodford County—Assessment in case by T. C. Albritton, Agent:

A. Weisenbergh's Ex'or., October 26, 1903..... 56 97

Also assessment in case by A. M. Harrison, Agent:

J. P. Rogers, etc., May, 1904..... 120 93

Owen County—Assessments in cases by T. C. Albritton, Agent:

Farmers' National Bank, July 25, 1902..... 315 00

First National Bank, July 25, 1902..... 330 75

Carroll County—Assessment in case by T. C. Albritton, Agent:

First National Bank, August 2, 1902, balance due..... 366 98

Madison County—Assessment in case by T. C. Albritton, Agent:

R. & L. Turnpike Co., February 6, 1905..... 49 50

Harlan County—Assessment in case by A. M. Harrison, Agent:

S. S. Miller and South Penn. Oil Co., Nov. 3, 1903..... 19 38

Harrison collected taxes due State and county.

Jackson County—Assessment in case by A. M. Harrison, Agent:

New Domain Oil Co., October, 1903. Harrison accepted $3.55 in settlement of State and county taxes. Estimated State taxes..... 2 00

Menifee County—Assessment in case by A. M. Harrison, Agent:

S. S. Miller and S. Penn. Oil Co., estimated State taxes ... $20 00

Harrison collected $39.75 October 15, 1903, in settlement State and county taxes 1902 and 1903.

Franklin County—Assessment in case by A. M. Harrison, Agent:

E. H. Taylor, Jr., & Sons, April 7, 1905..... 373 95

Amount collected by Harrison, no record of assessment.

Clark County—Assessment in case by A. M. Harrison, Agent:

Ford Lumber Co., Burt-Bradd Lumber Co., S. P. Kerr and Maggie T. Clay, errors in clerk's report to Auditor's office, giving dates of assessments instead of tax years, balance due ..... 11 27

Knox County—Assessment by A. M. Harrison, Agent:

Records show default judgments against 16 defendants for aggregate amount State and county taxes, $3,150.01. Clerk has been requested to file copies of judgments in Auditor's office, and county attorney has been requested to investigate whether any of same have been paid or settled.

Also a judgment against S. S. Miller, March 19, 1903, under which Harrison collected $19 for State and county taxes. Estimated State taxes..... 10 00

The following is a list of judgments obtained by Lucas, in most of which cases he has collected the money, as appears from the records, as ordered made by him and it is claimed, and charges should be made against the sheriff as the proper collecting officer and against Lucas for money had and received:

| County. | Date. | Taxpayer. | Judgments. |
|---|---|---|---|
| Christian | July 31, '05 | J. R. Caudle, balance | $ 1 00 |
| Grayson | June 13, '04 | Sam'l Duvall | 1 25 |
| Grayson | June 13, '04 | Crawford Hardin | 2 00 |
| Graves | April 21, 03 | L. & W. Brewer | 52 00 |
| Graves | Dec. 22, '03 | T. V. Brand | 73 12 |
| Daviess | April 17, '05 | Jno. F. Hubbard | 6 38 |
| Daviess | April 17, '05 | Mrs. M. Wise | 4 87 |
| Daviess | April 17, '05 | Mary E. Stinnett | 4 37 |
| Daviess | April 17, '05 | J. W. Coots | 2 85 |
| Daviess | April 17, '05 | Andrew Tibbs | 1 66 |
| Daviess | April 17, '05 | H. C. Mayer | 4 00 |
| Daviess | April 17, '05 | Josie McHenry | 7 00 |
| Daviess | April 17, '05 | Sallie J. Hodgins | 7 50 |
| Daviess | April 17, '05 | F. L. Ruby | 4 87 |
| Daviess | April 17, '05 | Sallie J. Thompson | 7 00 |
| Daviess | April 17, '05 | R. J. Wright | 2 00 |
| Daviess | April 17, '05 | L. A. McLean | 14 25 |
| Daviess | April 17, '05 | C. T. Mitchell | 16 40 |
| Daviess | August 15, '04 | U. Williams | 1 77 |
| Daviess | August 15, '04 | J. R. Robertson | 8 85 |
| Daviess | August 15, '04 | Owensboro Real Estate Co | 45 50 |
| Daviess | August 15, '04 | Margaret Patterson | 6 91 |
| Daviess | August 15, '04 | J. F. Barr | 12 00 |
| Daviess | August 15, '04 | George Barnett | 16 70 |
| Daviess | August 15, '04 | J. H. Mitchell | 35 74 |
| Daviess | August 15, '04 | Mrs. Laura Hogan | 41 47 |
| Daviess | August 15, '04 | Jas. Sebelhous | 30 00 |
| Daviess | August 15, '04 | J. T. Taylor | 108 62 |
| Daviess | August 15, '04 | Geo. M. Crabtree | 50 61 |
| Daviess | August 15, '04 | W. E. Whitley | 63 25 |
| | | Exoneration filed with Auditor of W. E. Whitley | 19 00 |
| Daviess | April 30, '05 | John H. B. Winkler and 16 others | 86 61 |
| Campbell | May 22, '05 | H. L. Reuscher | 9 90 |
| Campbell | May 25, '05 | W. A. Patterson | 30 00 |
| Campbell | May 25, '05 | W. H. Dyer | 1 00 |
| Hopkins | Jan. 27, '04 | J. L. Townsend, balance | 5 00 |
| Hopkins | January, 1904 | H. E. Eison | 11 50 |
| Hopkins | January, 1904 | W. R. Teague | 4 60 |
| Hopkins | January, 1904 | W. S. Barnett | 42 55 |
| Hopkins | January, 1904 | J. T. Watson | 200 79 |
| Hopkins | September, 1903 | J. C. Smith | 6 75 |
| Hopkins | September, 1903 | E. L. Wilson | 5 50 |
| Muhlenberg | Dec. 4, '03 | John T. Greer, balance | 4 44 |

| County. | Date. | Taxpayer. | Judgments. |
|---|---|---|---|
| Muhlenberg | Jan. 25, '04 | J. R. and F. S. Milliard | $ 2 25 |
| Ohio | Jan. 16, '04 | M. R. Shrewsburry, balance | 3 50 |
| Ohio | Jan. 16, '04 | J. C. Williams, balance | 66 |
| Ohio | Jan. 16, '04 | Mrs. Eliza Gray | 1 37 |
| Ohio | Jan. 16, '04 | Bettie Johnson | 7 00 |
| Ohio | Jan. 16, '04 | Mollie Haden | 1 25 |
| Ohio | Jan. 16, '04 | John W. Pate | 4 00 |
| Ohio | Sept. 9, '04 | Bessie V. Fitzhugh, et al | 89 71 |
| Todd | Sept. 14, '03 | Thos. Mimms (dis. settled) collected | 48 58 |
| Todd | | John Choate (no record) | 84 |
| Union | June 20, '03 | Thos. W. Haynes, balance | 5 00 |
| Union | June 20, '03 | W. L. Mills | 34 12 |
| Union | June 20, '03 | Lydia Slaton | 20 00 |
| Union | May 6, '04 | Geo. Brick collected $94.80; estimated State taxes | 50 00 |
| Union | Sept. 1, '03 | R. E. Newman, Judge, $379.48 (sheriff says not collectible) | |
| Union | Aug. 3, '03 | Tilda Pearson, Judge, $142.33 (sheriff says not collectible) | |
| Union | Aug. 3, '03 | Tom Marcum (dis. settled) | |
| Union | Sept. 3, '03 | W. F. Mitchell (dis. settled) | |
| Union | Sept. 3, '03 | Mrs. Ella Hapgood (dis. settled) | |
| Union | Sept. 3, '03 | Mrs. Ella Caton (dis. settled) | |
| Union | Sept. 3, '03 | T. J. Berry (dis. settled) | |
| | | In the foregoing five cases we were unable to secure any information as to whether or not any money was collected. | |
| Webster | July 16, '03 | J. R. Asher, balance | 1 16 |
| Webster | Dec. 21, '03 | J. H. Harvey, Judge, for $21.66 and estimated State's part. | 10 00 |
| Webster | Dec. 21, '03 | Thos. E. Johnson, Judge, for $11.40, estimated for State. | 5 00 |
| Warren | Sept. 28, '03 | F. L. Kister, Jr | 17 86 |
| Warren | Sept. 28, '03 | R. B. Hughes | 39 00 |
| Warren | Sept. 28, '03 | Eldon Campbell | 18 94 |

I respectfully report that the law for the revenue agency system appears to me from this investigation to be especially defective in not containing provisions along the following lines:

I. That no agreed or consent judgment for assessment of omitted property shall be entered without the written endorsement of the county attorney of the county wherein the property to be taxed is situated.

The counties are interested equally with the State in the listing of omitted property and are entitled to representation. Opportunities for settlements, based upon considerations where the interests of the State and county are ignored, will be assessed by requiring all agreed settlements to be investigated and endorsed by an officer responsible to the community wherein the settlements are made.

II. Compensation in the way of commissions on the amount of taxes collected should be provided for county attorneys for their services. Under section 127, Kentucky Statutes, it is the duty of the county attorney to attend to all cases in his county in which the Commonwealth is interested, and where he performs this service he should receive compensation for the same.

III. County court clerks should be required at the end of each month to report to the Auditor of Public Accounts the names of all persons against whom assessments of omitted property have been made, giving the amounts of assessments and the tax year, together with the names of the officers causing said assessments to be made. Also, to forward copies of all judgments entered in other cases filed by revenue agents.

IV. Sheriffs should be required, in remitting taxes due the State on additional lists, to include all penalties due the officers for causing the assessments, and the penalties should be paid these officers by the warrant of the Auditor upon the treasury.

V. A severe penalty and removal from office should be provided as punishment for the collection of money by revenue agents without special written authority from the Auditor.

VI. The term of office of the agent should end with the term of the Auditor appointing him.

The confidential and co-operative relations between the Auditor and the agents necessary to produce the best results for the Commonwealth are best secured under a provision of this kind.

Respectfully submitted.

H. B. HINES,
State Inspector and Examiner.

Mr. Gooch moved that said communication and report be printed for the use of the members.

Said motion was agreed to.

Mr. Claybrooke called up for consideration from the clerk's desk,

H. Res. 1. Resolution providing for purchase of Kentucky Statutes and Carroll's Codes of Practice for each chairman of Committees of Senate and House and official Manual of Kentucky, for members of Senate and House of Representatives.

(For resolution see Journal of January 8th.)

Mr. Claybrooke moved to amend said resolution by striking out all that part which refers to Official Manual of Kentucky.

Said motion was disagreed to.

Mr. Gooch offered an amendment thereto as follows, viz.:

Amend by adding, The Statutes and Codes shall remain the property of the State, and be returned to the State Librarian at the close of the session.

Mr. Klair moved that said resolution and amendment be printed and be referred to the Committee on Appropriations.

Said motion was agreed to.

Mr. Claybrooke called up for consideration from the clerk's desk,

H. Res. 2. Resolution directing the State Librarian to furnish members of the General Assembly and certain officials copies of the Official Manual.

(For resolution see yesterday's Journal.)

Ordered that said resolution be printed and be referred to the Committee on Appropriations.

Mr. R. W. Miller called up from the Clerk's desk for consideration,

H. Res. 3. Resolution appropriating money to pay for repairing and re-covering desks of members in hall of House of Representatives.

Ordered that said resolution be printed and referred to the Committee on Appropriations.

By unanimous consent the following bills were introduced, ordered to be printed and referred, viz..

By Mr. Alverson:

H. B. 144. An act to amend and re-enact an act, entitled An act to reapportion the State into eleven Congressional districts, approved May 26, 1890, and amendatory act thereto, being section 418a, chapter 23a, Kentucky Statutes.

Referred to Committee on Redistricting.

By Mr. Arnett:

H. B. 145. An act providing the manner of adding one additional judge to circuit courts of continuous session in counties constituting separate judicial districts, having one judge, and establishing the division thereof.

Referred to Committee on Circuit Courts.

By Mr. Scott:

H. B. 146. An act to define and regulate the assessment of stock in corporations incorporated under the laws of Kentucky of the other States and territories of the United States.

Referred to Committee on Revenue and Taxation.

Mr. Klair moved that the House do now adjourn until to-morrow morning at 11 o'clock.

Said motion was agreed to.

FRIDAY, JANUARY 12, 1906.

The House was opened with prayer by Rev. M. B. Adams, pastor of the Baptist church at Frankfort, Ky.

The reading of the Journal of yesterday's proceedings was dispensed with.

Upon the call of the counties and Representative districts, the following bills were introduced, and referred to as follows, viz.:

By Mr. Paynter:

H. B. 147. An act to amend and re-enact section 1 of an act, entitled An act to provide for and regulate public advertising, approved March 24, 1902.

Referred to Committee on Printing.

By Same:

H. B. 148. An act concerning the sale of real property.

Referred to Committee on Kentucky Statutes.

By Same:

H. B. 149. An act to amend section 2627, of the Kentucky Statutes, it being a portion of chapter 85 of the Kentucky Statutes, entitled medicine and surgery.

Referred to Committee on Public Health.

By Same:

H. B. 150. An act to amend section 1493 of Kentucky Statutes.

Referred to Committee on Suffrage and Elections.

By Mr. White:

H. B. 151. An act requiring railroad companies to keep a register of stock killed.

Referred to Committee on Railroads.

By Same:

H. B. 152. An act to amend and re-enact subsection 2 of section 1751, Kentucky Statutes.

Referred to Committee on Kentucky Statutes.

By Mr. Bosworth:

H. B. 153. An act to repeal an act relating to cities of the fourth class.

Referred to Committee on Cities of the 4th, 5th and 6th Classes.

By Same:

H. B. 154. An act to repeal an act, relating to cities of the fourth class.

Referred to Committee on Cities of the 4th, 5th and 6th Classes.

By Mr. Byland:

H. B. 155. An act to amend chapter 52, section 1838, Kentucky Statutes, relating to fiscal courts.

Referred to Committee on County and City Courts.

By Mr. Griffith:

H. B. 156. An act to prohibit baseball and football on Sundays.

Referred to Committee on Public Morals.

By Mr. Croan:

H. B. 157. An act providing for the appointment of an official stenographic reporter for circuit courts.

Referred to Committee on Circuit Courts.

By Mr. Diskin:

H. B. 158. An act to amend and re-enact chapter 57, section

1941 of the Kentucky Statutes, protecting wild geese, teal and wild ducks.

Referred to Committee on Fish, Game and Forestry.

By Mr. Redwine:

H. B. 159. An act to amend section 1309, chapter 36, subdivision 8 of the Kentucky Statutes.

Referred to Committee on Criminal Law.

By Same:

H. B. 160. An act to amend section 2560, Kentucky Statutes, being a portion of article 1 of chapter 81 of Kentucky Statutes, entitled liquors, intoxicants.

Referred to Committee on Kentucky Statutes.

By Same:

H. B. 161. An act relating to the possession of land and interests therein where there has been or may be a severance of the mineral or other interests from the surface.

Referred to Committee on Land Titles.

By Mr. Southall:

H. B. 162. An act to amend article 11, chapter 4, of an act, entitled elections, which was passed, approved and became a law on June 30, 1892, being sections 1546 and 1547, of Carroll's 1902 edition of Kentucky Statutes.

Referred to Committee on Suffrage and Elections.

By Mr. Denny:

H. B. 163. An act for the conservation and protection of oil and gas in the Commonwealth of Kentucky, and to prevent the flooding and consequent destruction of oil and gas lands of another.

Referred to Committee on Mines and Mining.

By Mr. Gorham:

H. B. 164. An act to appropriate $50,000 for the benefit of the Kentucky Houses of Reform.

Referred to Committee on State Prison and Houses of Reform.

By Mr. Klair:

H. B. 165. An act to amend an act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1904.

Referred to Committee on Municipalities.

By Same:

H. B. 166. An act to amend an act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 20, 1900.

Referred to Committee on Municipalities.

By Mr. Wilt:

H. B. 167. An act to amend section 3700 of the Kentucky Statutes so as to provide for the publication of ordinances in sixth-class cities.

Referred to Committee on Printing.

By Mr. Wicker:

H. B. 168. An act making unlawful the sale of spirituous, vinous, malt and intoxicating liquors or a mixture thereof a breach of the public peace and requiring security to keep the public peace upon conviction.

Referred to Committee on Common Law.

By Same:

H. B. 169. An act to prevent the obstruction of navigable streams.

Referred to Committee on Propositions and Grievances.

By Mr. Jackson:

H. B. 170. An act to regulate the time of stop of passenger trains at stations.

Referred to Committee on Railroads.

By Mr. Ray:

H. B. 171. An act to amend section 125 of the General Statutes.

Referred to Committee on Propositions and Grievances.

By Mr. H. C. Miller:

H. B. 172. An act to amend and re-enact subsections 5 and 6 of section 4370, chapter 113, article 2, Kentucky Statutes.

Referred to Committee on Education No. 1.

By Mr. Bourne:

H. B. 173. An act relating to the boundary of graded common schools, amending section 4482 of the Kentucky Statutes.

Referred to Committee on Education No. 1.

By Same:

H. B. 174. An act relating to primary elections.

Referred to Committee on Suffrage and Elections.

By Mr. Slattery:

H. B. 175. An act to amend section 2121 of Kentucky Statutes, concerning divorce.

Referred to Committee on Judiciary.

By Mr. Baxter:

H. B. 176. An act to amend chapter 35, section 1031 of the edition of Kentucky Statutes, compiled and edited by John D. Carroll, and issued 1903.

Referred to Committee on Municipalities.

By Mr. Drewry:

H. B. 177. An act making the willful or malicious taking or removal of the waste or packing from any journal box or boxes of any locomotive, engine, tender, carriage, coach, car, caboose or truck used or operated upon any railroad, whether the same be operated by steam or electricity, a felony and providing therefor.

Referred to Committee on Railroads.

By Same:

H. B. 178. An act to regulate the practice of veterinary, medicine, surgery and dentistry in the State of Kentucky to establish a State Board of Veterinary Medical Examiners and to punish persons violating the provisions thereof.

Referred to Committee on Kentucky Statutes.

By Mr. Simmons:

H. B. 179. An act to amend subsection 7, section 1019a, Kentucky Statutes, providing for stenographic reporters in courts having continuous sessions.

Referred to Committee on Municipalities.

By Mr. Rose:

H. B. 180. An act to amend an act, entitled fees, same being section 1728, of Kentucky Statutes.

Referred to Committee on Kentucky Statutes.

By Same:

H. B. 181. An act amending an act, entitled crime and punishments which became a law April 10, 1893, same being subsection 3, of article 3, chapter 36 of Kentucky Statutes, same as section 1154 of Kentucky Statutes.

Referred to Committee on Criminal Law.

By Same:

H. B. 182. An act amending an act, entitled crimes and punishments, which became a law April 10, 1893, and is subsection 3 of article 3 of Kentucky Statutes, same being section 1155, Kentucky Statutes.

Referred to Committee on Criminal Law.

By Mr. Yaden:

H. B. 183. An act to furnish publicity and money and other things of value expended in primary and general elections and political conventions.

Referred to Committee on Suffrages and Elections.

By Mr. Halbert:

H. B. 184. An act to amend section 1894, chapter 53, Kentucky Statutes.

Referred to Committee on Fish, Game and Forestry.

By Mr. Alverson:

H. B. 185. An act appropriating ten thousand dollars and authorizing the Governor to appoint five commissioners for the purpose of purchasing and erecting a statue each of Henry Clay and William Goebel in the old Hall of Representatives in the United States capitol building in Washington, D. C.

Referred to Committee on Circuit Courts.

By Same:

H. B. 186. An act regulating the operation of sleeping cars.

Referred to Committee on Railroads.

By Mr. Dawson:

H. B. 187. An act relating to the election of special judges in the quarterly courts of this State.

Referred to Committee on County and City Courts

By Mr. Barry:

H. B. 188. An act to amend section 4203 of the Kentucky Statutes so as to provide for the publication of applications for license to sell spirituous, vinous and malt liquors.

Referred to Committee on Printing.

By Mr. R. W. Miller:

H. B. 189. An act to provide for the participation of the State of Kentucky in the Jamestown Ter-Centennial Exposition.

Referred to Committee on Appropriations.

By Same:

H. B. 190. An act to permit defendants in civil suits for damages for an assault or an assault and battery, to plead mitigating facts and circumstances as a defense to the claim for punitive damages, and to introduce such facts and circumstances in evidence in mitigation of damages.

Referred to Committee on Judiciary.

By Mr. Head:

H. B. 191. An act to increase the compensation of the private secretary of the Governor.

Referred to Committee on Appropriations.

By Mr. J. A. Stevens:

H. B. 192. An act to amend section 1149, subdivision 2, article 3, chapter 36 of the Kentucky Statutes, by exempting females and minors from the inflictions of the death penalty provided therein.

Referred to Committee on Kentucky Statutes.

By Mr. Taggart:

H. B. 193. An act making eight hours a legal day's work.

Referred to Committee on Immigration and Labor.

By Mr. Osborne:

H. B. 194. An act to amend and re-enact sections 1784 and 1785, Kentucky Statutes, chapter 48, title Fences.

Referred to Committee on Agriculture.

By Mr. Beard:

H. B. 195. An act to provide for the inspection of miners' oil and mine scales and for the greater protection of the lives and health of persons employed in coal and other mines of this State.

Referred to Committee on Mines and Mining.

By Mr. J. S. Morris:

H. B. 196. An act for the benefit of the office of Attorney-General to provide assistants, defining their duties and fixing their compensation and providing for certain records to be kept in the office.

Referred to Committee on Kentucky Statutes.

By Same:

H. B. 197. An act to provide pension for certain inmates of the Confederate Home of Kentucky.

Referred to Committee on Charitable Institutions.

By Mr. Freeman:

H. B. 198. An act to amend section 4510, article 12, chapter 113 of the Kentucky Statutes, entitled Common Schools. Provides that teacher's salary shall continue during attendance on institutes.

Referred to Committee on Education No. 1.

By Same:

H. B. 199. An act to authorize and empower railroad companies to designate persons to act as railroad police, providing for their appointment by the Governor and defining their duties, powers and liabilities.

By Mr. Gooch:

H. B. 200. An act to amend section 1, chapter 34 of acts of 1904, regulating the practice of medicine, surgery and osteopathy in this Commonwealth.

Referred to Committee on Kentucky Statutes.

By Mr. Claybrooke:

H. B. 201. An act to amend sections 786 and 793, subdivision 2, chapter 32, Kentucky Statutes, and to re-enact the same as amended.

Referred to Committee on Railroads.

By Mr. Stone:

H. B. 202. An act to amend sections 1 and 2 of an act, entitled An act to regulate the practice of pharmacy in the Commonwealth of Kentucky and to establish a board of pharmacy and to define the powers and duties thereof.

Referred to Committee on Public Health.

By Mr. Russell:

H. B. 203. An act to require personal representatives to publish notice of their application to be discharged from liability on account of their trusts.

Referred to Committee on Judiciary.

A message was received from the Senate, announcing that they had adopted a resolution, entitled,

S. Res. 4. Resolution providing for the committees on appropriations visiting the Eastern Kentucky Asylum for the Insane.

Which was read and laid on the clerk's desk.

Mr. Klair moved that the rules be suspended and that said resolution be taken up for immediate consideration.

By unanimous consent the rules were suspended and said resolution was taken up for consideration and was concurred in.

Mr. James S. Morris offered the following joint resolution, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky,

Whereas, Hon J. W. McCain, late Representative of the Fifty-second Legislative District, died after the adjournment of the regular session and prior to the meeting of the extraordinary session of the last General Assembly; and

Whereas, At said extraordinary session the General Assembly adopted a joint resolution expressing it as the will of the House and Senate that the per diem salary and mileage and stationery that would have been paid said McCain had he lived and attended said extraordinary session should be paid to his surviving widow and that same should be paid him;

Whereas, Same has not been paid, Therefore be it resolved by the General Assembly of the Commonwealth of Kentucky, that the Auditor of Public Accounts be and he is hereby authorized to draw his warrant on the Treasurer of the State by the order of the clerk of the House of Representatives in favor of Mrs. Kate McCain, widow of said J. W. McCain, deceased, for the amount of money that would have been due said decedent had he lived and attended upon said extraordinary session during the time of its sitting, and same is to be paid out of any money not otherwise appropriated.

Which was read the first time and ordered to be printed and referred to the Committee on Appropriations.

Mr. Embry offered the following joint resolution, viz.:

Whereas, There is no provision under the law for paying the officers of the State Electoral College at its meetings every four years, and it has been customary for the Legislature to make provision for same after each recurring meeting of the college, as will be seen on

page 158, vol. 1, acts of 1881, page 764, vol. 1, acts of 1885-1886 and page 398, acts of 1902; and

Whereas, John H. Stuart, of Frankfort, served as secretary of the said Kentucky Electoral College at its meeting in January, 1905, and received no pay for said services; therefore be it

Resolved by the General Assembly of the Commonwealth of Kentucky, That the sum of fifteen dollars be allowed, to be paid out of any funds in the treasury not otherwise appropriated to John H. Stuart for his services as secretary of said electoral college, rendered in the year 1905, and the Auditor of Public Accounts hereby directed to draw his warrant on the State Treasurer for said sum.

Which was read the first time and ordered to be printed and referred to the Committee on Appropriations.

Leave of absence for an indefinite period was granted Messrs. Halbert, Curle, Croan, McCarty and H. K. Cole.

Mr. Southall, of the Committee on Appropriations to which the same had been referred, reported,

H. Res. 1. Resolution providing for the purchase of Kentucky Statutes and Carroll's Code of Practice for each chairman of committees of Senate and House and Official Manual of Kentucky for members of Senate and House of Representatives.

With an amendment thereto by way of substitute therefor.

Said substitute amendment reads as follows, viz.:

Resolution providing for furnishing copies of Kentucky Statutes and Codes of Practice to chairmen of several committees of Senate and House and the Official Manual of Kentucky to the members of the General Assembly and certain officials.

JOINT RESOLUTION.

Whereas, It has hereto been a custom for the General As-

sembly of the State of Kentucky to furnish the chairman of each of the standing committees of the House and Senate, with a copy, each of the Kentucky Statutes and Codes of Practice for their use during the session of said body,

Therefore, Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the State Librarian be, and is hereby, directed to furnish the chairmen of each of the standing committees of the House and Senate, with a copy each, of the latest edition of the Kentucky Statutes and Codes of Practice and Acts of the 1904 Legislature, for their use during the session of said body. Same to remain the property of, the State of Kentucky, and to be returned to the State Librarian at the end of the session.

§ 2. That the State Librarian is hereby further authorized and directed to purchase at not exceeding one dollar per copy, four hundred copies of the book entitled "Official Manual," for use of the courts, State and county officials, and members of the General Assembly of Kentucky. The Librarian will furnish the members of the General Assembly and such officials thereof as may be designated by the presiding officers of the respective House a copy of each of the same and will furnish the State officials with copies thereof, and send a copy thereof to the clerk of the county court of each county in the State to be kept in his office. The Librarian will furnish to the librarian of each State and territory in the Union a copy of said book in exchange for similar books from the said States and territories, and a copy to the Librarian at Washington.

§ 3. That the Librarian be, and is hereby further directed to furnish each member of the House and Senate one hundred and fifty copies of the Governor's message to the General Assembly of Kentucky, in pamphlet form, single wrapers for mailing in post paid wrapper. Also have printed on the wrapper of each copy the name of each member according to the quota of copies.

§ 4. It being necessary that the officials should have the books

herein provided for, an emergency is declared and this resolution shall be in force upon its approval by the Governor.

Said substitute amendment was adopted.

Said resolution as amended was then read and adopted.

The yeas and nays being taken thereon were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | A. J. Gorham, | M. M. Redwine, |
| Louis W. Arnett, | H. H. Griffin, | J. M. Robertson, |
| John Barr, | John C. Griffith, | Richard S. Rose, |
| E. Barry, | B. P. Grigsby, Sr., | J. T. Royalty, |
| W. G. Baxter, | Paul Gullion, | S. M. Russell, |
| B. O. Becker, | Albert Hamilton, | J. T. Scott, |
| Peter Best, Jr., | J. A. Hamon, | R. C. Simmons, |
| H. Kirby Bourne, | C. W. G. Hannah, | Emmet P. Slattery, |
| W. T. Cain, | L. P. Head, | W. W. Smith, |
| M. F. Campbell, | W. J. Jackson, | W. H. Southall, |
| Bennett Clarke, | L. F. Johnson, | Hub L. Stevens, |
| W. D. Claybrooke, | W. H. Jones, | John A. Stevens, |
| Sam. D. Cochran, | Wm. F. Klair, | Zeb. A. Stewart, |
| W. H. Cole, | Geo. D. Litsey, | George W. Stone, |
| Henry M. Cox, | H. M. McCarty, | D. P. Taggart, |
| Ed. Croan, | M. H. McLean, | C. C. Terry, |
| Charles I. Dawson, | Henry C. Miller, | Harry Weitkamp, |
| A. L. Denny, | R. W. Miller, | T. A. Weldon, |
| Lawrence J. Diskin, | J. M. Mitchell, | W. T. White, |
| W. Reed Embry, | V. W. Morris, | John B. Wicker, |
| Robert Enlow, | James S. Morris, | Geo. S. Wilson, |
| J. A. Frazier, | Ed. Mulcahy, | J. T. Wilson, |
| M. T. Freeman, | Ion B. Nall, | Munnell Wilson, |
| Taylor P. Gabbard, | W. J. Osborne, | Wm. Wilt, |
| Lloyd W. Gates, | C. M. Paynter, | James C. Yaden, |
| W. J. Gooch, | John R. Ray, | J. A. Yates—72. |

In the negative—none.

Resolved, That the title thereof be as follows, viz.:

H. Res. 1. Resolution providing for furnishing copies of Kentucky Statutes and Codes of Practice to the chairman of several committees of Senate and House, and the Official Manual of Kentucky to the members of the General Assembly and certain officials.

Mr. Redwine, of the board heretofore drawn, selected and sworn to determine the contest for the right to a seat in this House as Representative from the Representative district composed of the counties of Bath and Rowan, of J. L. Howell against Will A. Young, and Thomas P. Barbour against Will A. Young, offered the following report, viz.:

J. L. Howell v. Wm. Young, and T. P. Barbour v. Wm. A. Young.

We have tried these contests and find that Wm. A. Young was duly elected as Representative to the Lower House, of the General Assembly to represent the counties of Bath and Rowan, that he received a majority of all the votes cast at the last November election. A majority of votes over Howell, 744; a majority of 1,822 votes over Barbour, and a majority of 181 votes over both of them; and he is entitled to retain his seat on this floor, the contests of Mr. Howell and of Mr. Barbour are dismissed by the committee.

We recommend that there be allowed two hundred dollars as attorney's fee for W. A. Young, and for his expenses, seventy-five dollars; as attorney's fee for J. L. Howell, one hundred dollars and B. S. Wilson, as attorney for Barbour, seventy-five dollars. No expenses. All of which is respectfully reported January 11, 1906.

M. M. REDWINE, Chairman,
HARRY M. McCARTY,
M. BENNETT CLARK,
J. M. MITCHELL,
W. H. JONES,
W. T. CAIN,
R. S. ROSE.

Said report was received and read and taken up for consideration.

So much of said report and of the recommendation of the said board as relates to the right to a seat in this House was taken up and adopted.

It is thereupon ordered and adjudged by the House that Hon. Will. A. Young was at the regular election on the seventh day of November, 1905, duly and regularly elected Representative in the General Assembly of the Commonwealth of Kentucky, from the Representative district, composed of the counties of Bath and Rowan, and as such is entitled to a seat in this House.

So much of the recommendation of the said board as relates to the amount to be allowed to Hon. Will. A. Young, as attorney's fees and expenses, was then adopted.

So much of the recommendation of the said board as relates to amount to be allowed to the contestants, J. L. Howard and Thos. P. Barbour, for fees of attorneys, etc., was disagreed to and ordered stricken out.

And then said report and recommendations contained therein as amended was adopted.

Mr. Frazier, of the board heretofore drawn and selected by this House and sworn to determine the contest for the right to a seat in this House as Representative from the county of Allen, of Robert H. Meng against H. H. Griffin, offered the following report, viz.:

We the undersigned contest committee drawn and sworn to determine the contest in the case of Robt. H. Meng v. H. H. Griffin for a seat in the Lower House of the Kentucky Legislature, from the county of Allen, do very respectfully report back to the House, that

we have after hearing all the testimony and the statement and argument of counsel, and after examining the contents of the two ballot boxes in the Butlersville No. 2 and Rawley, No. 3, same precincts being the ones in controversy in this contest, and the committee after hearing all the evidence and the argument of counsel, and being advised, adjudge, decide, declare and determine that the election officers return report, in the above contest, is virtually correct, and we find no irregularities or fraud sufficient to change the result of this election, and we further recommend to the House that contestee, H. H. Griffin retain his seat in the House of the Kentucky Legislature, and the committee would further report that questions of both law and fact involved in this contest are such as both lawyers and laymen are liable to differ upon, and while not by any means sufficient to win, yet some merit is shown in the cause of contestant, therefore the committee hereby recommends that contestant be allowed fifty dollars for his attorney's fees and other expenses in this contest action and that contestee be allowed fifty dollars for his attorney's fees and other expenses incidental to this action and contest.

JAS. A. FRAZIER Chairman,
PETER BEST, Jr.,
E. BARRY,
S. D. COCHRAN,
J. W. WICKER,
R. S. ROSE, Secretary.

This January 11, 1906.

Said report was received, read and taken up for consideration.

So much of said report and of the recommendation of said board as relates to a seat in this House was adopted.

Mr. McKnight, offered the following amendment, viz.: Amend committees report as to allowance made contestee by striking out

"fifty dollars" and inserting "one hundred and fifty dollars" for attorney's fees and all other expenses.

Said amendment was disagreed to.

So much of said report and the recommendations contained therein as relates to amount to be allowed the contestant and contestee for attorney's fees and expenses was adopted.

It is thereupon ordered and adjudged by the House that Hon. H. H. Griffin was at the regular election on the seventh day of November, 1905, duly and regularly elected Representative in the General Assembly of the Commonwealth of Kentucky, from the county of Allen and as such is entitled to a seat in this House.

The Speaker of the House in pursuance to a resolution adopted on yesterday relative to memorial exercises in memory of the Hon. Wm. Goebel, late Governor of this State, named the following persons as members of the committee provided for therein, viz.: Mr. McKnight, chairman; Messrs. Arnett, Russell, Redwine and Head.

Mr. Gooch, of the Committee on Rules offered the following as the joint rule of the Senate and House of Representatives, viz.:

JOINT RULES.

January Session, 1906.

Joint Rule 1. When bills are on their passage between the two Houses, they shall be on paper, and under the signature of the clerk of each House respectively.

Joint Rule 2. After a bill shall have passed both Houses, it shall be duly enrolled on paper, and under the signature of the clerk of each House respectively.

Joint Rule 3. When bills are enrolled, they shall be examined by a joint committee of five from the Senate and five from the House of Representatives, appointed as a standing committee for that purpose, one of whom, on the part of the Senate, and two

from the House of Representatives, shall be sufficient to compare the enrolled with the engrossed bills, as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to their respective Houses.

Joint Rule 4. After examination and report, each bill shall be signed in their respective Houses during open session. All bills which originate in the Senate shall be signed first by the President of the Senate, and all bills which originate in the House of Representatives shall be signed first by the Speaker of the House of Representatives.

Joint Rule 5. After a bill shall have been thus signed by each house, it shall be presented by the clerk of the house in which the bill originated to the Governor for his approbation—it being first indorsed on the back of the bill, certifying in which house the same originated, which endorsement shall be signed by the clerk of the house in which the same did originate, and shall be entered on the Journal of each House. The said clerk shall report the day of presentation to the Governor, which time shall also be carefully entered upon the Journal of each house.

Joint Rule 6. All bills and resolutions passing from one house to the other shall take the course prescribed by the house to which they are transmitted.

Joint Rule 7. All orders and resolutions which are to be presented to the Governor for his approbation shall also be previously enrolled, examined and signed in open session, and shall be presented in the same manner and by the clerk, as is provided in cases of bills.

Joint Rule 8. Every order, resolution or vote to which the concurrence of the Senate shall be necessary, shall be read to the House and laid on the table on a day preceding that in which the same shall be moved, unless the House shall otherwise expressly allow.

Joint Rule 9. When any papers may come officially before either branch of the Legislature, or any communication from the Governor, and are proper to be acted upon by both Houses, the House

before which such papers are laid, or to whom such communications are made, shall, as soon as they have proceeded and acted on the same, lay them before the other House.

Joint Rule 10. When there is a communication from the Governor, or a message from one House to the other, it shall be received without delay; if the House be in committee, the Speaker shall resume the chair, and if any member be speaking, he shall suspend his remarks until the communication or message be received.

## RULES FOR THE GOVERNMENT OF THE TWO HOUSES WHEN IN JOINT SESSION.

Joint Rule 11. When it is not otherwise provided by law, the members of the Senate and House of Representatives, in the selection of all officers elective by the General Assembly as an entirety, shall be convened in joint meeting, and unless differently prescribed by law, a majority of the members of the two bodies shall constitute a quorum in joint meetings, for the transaction of all business before it.

All joint meetings of the Senate and House of Representatives shall be held in the hall of the House of Representatives, and in all cases in which the date of any such meeting is not fixed by law, the time shall be designated and fixed by the order of the Speaker of the House of Representatives, which order shall be entered upon the Journal of the House by the clerk thereof, and a copy of said order he shall certify and deliver to the clerk of the Senate, who shall enter the same upon the Journal of that body.

At all such meetings, the President of the Senate shall occupy a seat on the right of the Speaker of the House, preside, preserve decorum, put questions, and decide all points of order, be governed by the rules of the Senate, where they are applicable, and by parliamentary usage. The chief clerk of the Senate shall be chief clerk, assisted by the chief clerk of the House. They shall enter on the Journal of their respective Houses the proceedings of the joint assembly. In recording any vote, the names of the Senators shall be

first called, and all questions shall be determined by a majority of all the votes cast. The sergeant-at-arms of the Senate, assisted by the sergeant-at-arms of the House, shall perform the duties of that office to the joint assembly.

Senate—

W. P. THORNE, Chair. Ex-Officio,
G. W. HICKMAN,
BEN. JOHNSON,
H. S. McNUTT,
J. W. NEWMAN,.
CONN LINN,
FRANK RIVES.

House—

HENRY R. LAWRENCE, Chair. Ex-Officio.
W. J. GOOCH,
W. A. YOUNG,
M. M. REDWINE,
GEO. S. WILSON,
ZEB A. STEWART,
L. F. JOHNSON,
J. T. SCOTT,.
L. W. ARNETT.

Said joint rules were then adopted.

Mr. Mulcahy called up from the clerk's desk for consideration

H. Res. 5. Resolution directing the Auditor of Public Accounts to direct State banks to report every sixty days amount of money belonging to the State received, and the amount paid out.

Said resolution was read and adopted.

Mr. Arnett moved that when the House adjourn to-day, it be until Monday next, the 15th inst., at 12:00 M.

Said motion was agreed to, and then the House adjourned.

MONDAY, JANUARY 15, 1906.

The House was opened with prayer by Rev. C. R. Hudson, of the Christian church.

The reading of the Journal of the proceedings of Friday, last was dispensed with and same was approved.

Mr. Gabbard called up from the clerk's desk for consideration a joint resolution heretofore introduced by him, viz.:

H. Rés. 4. Resolution adopting the "Golden Rod" as the State flower for Kentucky.

(See Journal January 10th.)

Said resolution was adopted.

Leave of absence for an indefinite period was granted Messrs. Wilt, Becker, Geo. S. Wilson and Summers.

The Speaker laid before the House the following communication from the Louisville Commercial Club:

Hon. Henry R. Lawrence,

Speaker of the House of Representatives,

Frankfort, Ky.,

My Dear Sir:—At an open meeting of the Louisville Commercial Club, held on December 5th, the following resolution was unanimously adopted:

Whereas, Kentucky is without representation in the Hall of Fame in the National Capitol building, in Washington, and

Whereas, Nearly every State in the Union is represented by two of her favorite sons, and

Whereas, A place in this hall has been set aside for the occupancy for two statues to be placed there at the will of the Kentucky Legislature, therefore.

Be it Resolved, That the Commercial Club do hereby petition the Kentucky Legislature, soon to assemble in Frankfort, to place such monuments in the Hall of Fame at an early date,

Be it further resolved, That a copy of this resolution be sent to the Speaker of the Senate and House of Representatives.

I have waited until the House organized before sending this resolution to you. I trust that you will have the resolution read before the House over which you preside.

Yours very truly,

R. E. HUGHES, Secretary.

Mr. Klair moved that the House do now adjourn.

Said motion was agreed to.

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TUESDAY, JANUARY 16, 1906.

The House was opened with prayer, by Hon. E. Barry, Representative from the counties of Lyon and Marshall.

The reading of the Journal of yesterday's proceedings was dispensed with and same was approved.

Upon a call of the counties and Representative districts, the following bills and joint resolutions were introduced; ordered printed and referred to the committees, viz.:

By Mr. Stewart:

H. B. 204. An act, relating to the evidence and damages in action for libel.

Referred to Committee on Codes of Practice.

By Same:

H. B. 205. An act fixing the rate of interest to be charged guardians, curators and committees.

Referred to Committee on Judiciary.

By Same:

H. B. 206. An act regulating the fees to be charged by county clerks for recording mortgages on personal property, and amending section 1720, Kentucky Statutes.

Referred to Committee on Kentucky Statutes.

By Mr. Redwine:

H. B. 207. An act to provide for the location, erection, organization and management in Kentucky of a State sanatorium for the cure and treatment of tuberculosis, and making an appropriation for the purchase of the necessary land, and the construction and equipment of necessary building and making an appropriation for the maintenance of the sanatorium.

Referred to Committee on Judiciary.

By Same:

H. B. 208. An act to repeal article 15, subdivision 1 and subdivision 2 of chapter 4, Kentucky Statutes, entitled exempted property and homestead from section 1697 to section 1708 inclusive, and enacting in lieu thereof certain exemptions.

Referred to Committee on Kentucky Statutes.

By Mr. H. L. Stevens:

H. B. 209. An act to amend section 392, article 2, chapter 22 of Kentucky Statutes, entitled Commissioners and Receivers.

Referred to Committee on Circuit Courts.

By Mr. Johnson:

H. B. 210. An act authorizing the condemnation of lands and material by corporations organized for the purpose of constructing, maintaining or operating union railway stations.

Referred to Committee on Judiciary.

By Same:

H. B. 211. An act to re-enact section 1101, of chapter 46 of Kentucky Statutes in reference to wages.

Referred to Committee on Kentucky Statutes.

By Mr. Ray:

H. B. 212. An act to prevent the running or operating of excursion trains on Sunday.

Referred to Committee on Public Morals.

By Same:

H. B. 213. An act to prevent the spread of hog cholera in this State.

Referred to Committee on Agriculture.

By Mr. Blair:

H. B. 214. An act providing for the relief of certain citizens of Cynthiana, Ky.

By Mr. Gates:

H. B. 215. An act dividing the State of Kentucky into three Senatorial districts.

Referred to Committee on Kentucky Statutes.

By same:

H. B. 216. An act dividing the State of Kentucky into one hundred Representative districts.

Referred to Committee on Kentucky Statutes.

By Mr. Cain:

H. B. 217. An act relating to revenue and taxation, being section 4128 of the Kentucky Statutes, be amended by adding to said section.

Referred to Committee on Circuit Courts.

By Mr. McLain:

H. B. 218. An act to amend an act, entitled An act to regulate the granting of licenses to practice law and prescribing the qualifications of attorneys at law in the Commonwealth of Kentucky.

Referred to Committee on Kentucky Statutes.

By Same:

H. B. 219. An act relating to chattel mortgages providing for the filing and recording thereof the continuance, preservation and cancellation of the same.

Referred to Committee on Kentucky Statutes.

By Mr. Arnett:

H. B. 220. An act to put financial corporations which heretofore paid State taxes under the revenue act of 1886, known as the Hewitt law, on the same footing with the banks and trust companies of this State in reference to the overpayment of taxes.

Referred to Committee on Revenue and Taxation.

By Mr. Barry:

H. B. 221. An act to amend section 4224, article 10, subdivision 4 of chapter 108 of Kentucky Statutes, entitled Revenue and Taxation.

Referred to Committee on Public Morals.

By Mr. R. W. Miller:

H. B. 222. An act entitled an act to require all persons licensed by the insurance department of this State to present to the county clerk of each county in which the person of agents solicits insurance, the license issued by the insurance department and cause said clerk to certify that the same has been presented to him and a record made of the same in his office.

Referred to Committee on Insurance.

By Same:

H. B. 223. An act to amend section 194 of act 4 of the Criminal Code.

Referred to Committee on Codes of Practice.

By Same:

H. B. 224. An act regulating the sale of morphine and its compounds.

Referred to Committee on Public Health.

By Mr. Russell:

H. B. 225. An act to amend section 108, article 2, chapter 8, Kentucky Statutes.

Referred to Committee on Kentucky Statutes.

By Mr. Claybrooke:

H. B. 226. An act concerning bonds required to be executed by persons acting in fiduciary capacities.

Referred to Committee on Kentucky Statutes.

By Mr. Bosworth:

H. B. 227. An act to exempt all persons of the age of sixty years or over from the payment of poll tax.

Referred to Committee on Revenue and Taxation.

By Mr. Shelman:

H. B. 228. An act to amend section 2721 of Kentucky Statutes, entitled "Mills."

By Mr. Russell:

H. B. 229. An act appropriating the sum of $22,000 for a brick building for a workshop in the State Penitentiary at Frankfort, Ky.

Referred to Committee on State Prisons and Houses of Reform.

By Same:

H. B. 230. An act to appropriate $7,000 for the installation of a dust collecting and cleaning system in the workshops at the State Penitentiary at Frankfort, Ky.

Referred to Committee on State Prisons and Houses of Reform.

By Same:

H. B. 231. An act to appropriate money for the erection of a new hospital with suitable tuberculosis wards, operating rooms and other necessary equipment at the State Penitentiary at Frankfort, Ky., and for the equipment of the present hospital as a chapel.

Referred to Committee on State Prisons and Houses of Reform.

By Same:

H. B. 232. An act to appropriate $5,000 for the erection and equipment of a tuberculosis hospital at the branch penitentiary at Eddyville.

Referred to Committee on State Prisons and Houses of Reform.

By Same:

H. B. 233. An act to appropriate $11,000 for raising the roof and extending the three sections of the broom shop and one section of the chair shop building at the State Penitentiary at Frankfort, Ky.

Referred to Committee on State Prisons and Houses of Reform.

Joint resolution offered by Mr. James:

H. Res. 9. A resolution authorizing the auditing and payment of a loan made to the State by the State National Bank, of Frankfort, Ky.

Mr. Scott offered the following resolution, viz.:

Resolved, That the State Librarian be and is hereby directed to report to this House the number Kentucky Statutes and Codes used

by the last session of this body how many returned and how many are now in her office that can be used in supplying the various standing committees of this House for the present session as per resolution this day adopted.

Said resolution was agreed to.

Mr. Drewry offered the following resolution, viz.:

Resolved, That the clerk of the House be and is hereby instructed to acquaint the public printer as to the rule adopted by this House with reference to printing of bills in their numerical order.

Said resolution was agreed to.

Mr. R. W. Miller moved that the bill clerk of this House be instructed not to distribute and place on the desks of the members any bills, resolutions or other matter printed by order of the Senate, until the same has been acted upon finally and passed by the Senate, but to keep same in order and carefully preserve same so that it may be furnished upon the application of any member.

Said motion was agreed to.

The committees to which the same had been referred, reported the following joint resolution and bills, viz.:

By Mr. Shellman, of the Committee on Appropriations:

H. Res. 3. Resolution appropriating money to pay for repairing and re-covering desks of members in hall of House of Representatives.

By Mr. Arnett, of the Committee on Circuit Courts:

H. B. 145. An act providing the manner of adding one additional judge to circuit courts of continuous session, in counties constituting separate judicial districts having one judge, and establishing the divisions thereof.

By Same:

H. B. 93. An act concerning circuit courts having continuous sessions and two judges.

By Same:

H. B. 94. An act to authorize and to add one additional judge to the circuit court for the Sixteenth Circuit Court District, and providing for the appointment and election thereof.

Said bills and resolution were severally read the first time in full and ordered to be placed upon the calendar for further reading on another day.

At 12 o'clock meridian,

Mr. Embry moved that the House do now proceed to the execution of the special order of the day, to-wit: The naming of one person as Senator in the Congress of the United States, from the State of Kentucky to succeed the Hon. Joseph C. S. Blackburn, whose term of office will expire on the 4th day of March, A. D., 1907: Said special order being in accordance with the laws of the United States and of the State of Kentucky in such cases made and provided.

Said motion was agreed to.

Thereupon the roll of members was called and the following persons answer to their names, viz.:

| | | |
|---|---|---|
| Louis W. Arnett, | M. T. Freeman, | John R. Ray, |
| E. Barry, | Lloyd W. Gates, | M. M. Redwine, |
| Charles C. Beard, | A. J. Gorham, | J. M. Robertson, |
| B. O. Becker, | John C. Griffith, | Richard S. Rose, |
| Peter Best, Jr., | B. P. Grigsby, Sr., | S. M. Russell, |
| Roger P. Blair, | James A. Hagan, | J. T. Scott, |
| Joe F. Bosworth, | Albert Hamilton, | Ed. H. Shellman, |
| J. C. Byland, | J. A. Hamon, | R. C. Simmons, |
| W. T. Cain, | C. W. G. Hannah, | W. W. Smith, |

| | | |
|---|---|---|
| M. F. Campbell, | D. C. Hopper, | W. H. Southall, |
| N. B. Chipman, | W. J. Jackson, | Hub L. Stevens, |
| Bennett Clarke, | L. F. Johnson, | John A. Stevens, |
| J. W. Clay, | W. H. Jones, | Zeb. A. Stewart, |
| W. D. Claybrooke, | Geo. D. Litsey, | George W. Stone, |
| H. K. Cole, | Virgil McKnight, | D. P. Taggart, |
| W. H. Cole, | M. H. McLean, | C. C. Terry, |
| Henry M. Cox, | Henry C. Miller, | A. J. Thompson, |
| Ed. Croan, | R. W. Miller, | C. F. Thornton, |
| Henry W. Curle, | J. M. Mitchell, | Harry Weitkamp, |
| Charles I. Dawson, | V. W. Morris, | W. T. White, |
| A. L. Denny, | James S. Morris, | John B. Wicker, |
| Lawrence J. Diskin, | Ed. Mulcahy, | J. Hal Woodford, |
| Thomas Drewry, | Ion B. Nall, | James C. Yaden, |
| W. Reed Embry, | W. J. Osborne, | J. A. Yates, |
| Robert Enlow, | Henry G. Overstreet, | Will A. Young, |
| J. A. Frazier, | C. M. Paynter, | Speaker Lawrence—78. |

It appearing that a majority of all the members elected to this House are present.

The Speaker announced that nominations for said office are in order.

Thereupon:

Mr. Redwine named the Hon. Thomas H. Paynter, of the county of Greenup, as a suitable person to fill said office.

Mr. H. K. Cole, named the Hon. William H. Cox, of the county of Mason, as a suitable person to fill said office.

The House then proceded openly, by a viva voce vote, of each member present to name one person for Senator in the Congress of the United States from the State of Kentucky as aforesaid, and the vote so taken was as follows, viz.:

Those who voted for Paynter were—

| | | |
|---|---|---|
| Louis W. Arnett, | A. J. Gorham, | M. M. Redwine, |
| E. Barry, | B. P. Grigsby, Sr., | J. M. Robertson, |
| W. G. Baxter, | James A. Hagan, | S. M. Russell, |
| Peter Best, Jr., | J. A. Hamon, | J. T. Scott, |
| Roger P. Blair, | W. J. Jackson, | Ed. H. Shellman, |
| J. C. Byland, | L. F. Johnson, | R. C. Simmons, |
| N. B. Chipman, | Geo. D. Litsey, | W. H. Southall, |
| J. W. Clay, | Virgil McKnight, | Hub L. Stevens, |
| W. D. Claybrooke, | M. H. McLean, | John A. Stevens, |
| Henry M. Cox, | Henry C. Miller, | Zeb. A. Stewart, |
| Ed. Croan, | R. W. Miller, | George W. Stone, |
| Henry W. Curle, | J. M. Mitchell, | C. C. Terry, |
| Charles I. Dawson, | James S. Morris, | A. J. Thompson, |
| Lawrence J. Diskin, | Ed. Mulcahy, | C. F. Thornton, |
| Thomas Drewry, | Ion B. Nall, | W. T. White, |
| W. Reed Embry, | W. J. Osborne, | John B. Wicker, |
| Robert Enlow, | Henry G. Overstreet, | J. Hal Woodford, |
| J. A. Frazier, | C. M. Paynter, | Will A. Young, |
| Lloyd W. Gates, | John R. Ray, | Speaker Lawrence—57 |

Those who voted for Cox were—

| | | |
|---|---|---|
| Charles C. Beard, | A. L. Denny, | V. W. Morris, |
| B. O. Becker, | M. T. Freeman, | Richard S. Rose, |
| Joe F. Bosworth, | John C. Griffith, | W. W. Smith, |
| W. T. Cain, | Albert Hamilton, | D. P. Taggart, |
| M. F. Campbell, | C. W. G. Hannah, | Harry Weitkamp, |
| Bennett Clarke, | D. C. Hopper, | James C. Yaden, |
| H. K. Cole, | W. H. Jones, | J. A. Yates—22. |
| W. H. Cole, | | |

On summing up the vote it was found to stand thus:

For Mr. Paynter .....57 votes.

For Mr. Cox .....22 votes.

Ordered that the clerk spread same on the Journal and also enter thereon the fact, that Thomas H. Paynter received a majority of all the votes cast; a majority of all the members elected to the House being presented and voting.

And then the House adjourned.

WEDNESDAY, JANUARY 17, 1906.

The House was opened with prayer by Rev. C. R. Hudson, pastor of the Christian church.

The reading of the Journal of yesterday's proceedings was dispensed with and the same was approved.

Mr. W. T. Wright this day appeared at the bar of the House, produced his certificate of election as Representative from the county of Warren, and took the oath as required by the Constitution and laws of this State, and thereupon took his seat as a member of this House.

Mr. Alverson of the board heretofore drawn and selected by this House and sworn as a board to determine the right to a seat on the floor of this House as Representative from the counties of Breathitt, Lee and Magoffin, in the case of J. P. Munsey versus John C. Griffith, tendered the following report, viz.:

J. P. Munsey.....Contestant.

vs. Report of Contest Committee.

John Griffith.....Contestee.

Your committee, selected and sworn to try and report the contest for a seat on the floor of this House from the Ninety-second Legislative District of the State of Kentucky, composed of the counties of Breathitt, Lee and Magoffin, wherein J. P. Munsey is the contestant and John Griffith is the contestee, would respectfully report that your committee, after having read the pleadings, etc., and hearing the argument of counsel, is of the opinion that the contestant is not entitled to the relief sought, and reports and recommends that said John Griffith, contestee, was duly elected Representative from said district and should be allowed to retain his seat on the floor of this House.

We further report that from all the circumstances involved in this case we deem it advisable as well as proper, that both contestant and contestee be allowed the sum of $75 each in full of attorney fee and other expenses.

All of which is respectfully reported.

J. M. ALVERSON, Chairman,
HENRY M. COX,
CHAS. I. DAWSON,
E. BARRY,
A. J. GORHAM,
W. J. JACKSON.

Said report was received, read and ordered to be spread on the Journal.

Ordered, That said report and the recommendations contained therein be approved and adopted.

It is thereupon ordered and adjudged by this House that the said John C. Griffith, contestee in said case, was duly and regularly elected on the 7th day of November, 1905, as Representative from the Ninety-second Representative District, composed of the counties of Breathitt, Lee and Magoffin, and as such is entitled to a seat on the floor of this House.

Mr. Alverson offered the following resolution, viz.:

Whereas, It is understood that a bill, now being prepared, will be introduced providing for the purchase by the State of the Crab Orchard Springs property by the State of Kentucky for use as a charitable institution; now, therefore, be it

Resolved, That the Committee on Charitable Institutions, while on their tour of inspection be requested and directed to visit said Crab Orchard Springs property so as to be in a position to report on same without the necessity of a further inspection.

Said resolution was adopted.

Mr. McKnight offered the following resolution, viz.:

Whereas, The delay in printing House bills is intolerable; now therefore, be it

Resolved by the House of Representatives, That the Committee on Printing be instructed to investigate and report at once the causes of delay, and if the law of public printing is deficient to suggest such remedial legislation as it may deem proper.

Said resolution was adopted.

Messrs. Barr, Cochran, Geo. S. Wilson, Munnell Wilson, Alverson, McCarty and Slattery announced that they were necessarily absent on yesterday, and that had they been present they would each have voted in the election of United States Senator for Thomas H. Paynter.

Mr. Gabbard announced that he was necessary absent on yesterday, and that had he been present he would have voted for William H. Cox in the election of a United States Senator.

Mr. Arnett, of the Committee on Circuit Courts, to which the same had been referred, reported a bill, entitled

H. B. 9. An act to amend an act regulating the terms of court in the Thirteenth Judicial District.

Said bill was read the first time in full and ordered to be placed upon the calendar for further reading on another day.

Mr. J. T. Wilson offered the following resolution, viz. :

Resolved, That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer in favor of J. M. Alverson, chairman of the Committee on Agricultural and Mechanical College for the sum of forty-three dollars and twenty

cents, being amount of expenses of said committee on visit to said college under resolution of this House, the same being a necessary contingent expense of this House.

Said resolution was agreed to.

The House took up for consideration from the calendar a joint resolution and bills of the following titles, viz.:

H. Res. 3. Resolution appropriating money to pay for repairing and re-covering desks of members in the hall of House of Representatives.

H. B. 145. An act providing the manner of adding one additional judge to circuit courts of continuous session in counties constituting separate judicial districts having one judge, and establishing the divisions thereof.

H. B. 93. An act concerning circuit courts having continuous sessions and two judges.

H. B. 94. An act to authorize and to add one additional judge to the circuit court for the Sixteenth Circuit Court District and providing for the appointment and election thereof.

Ordered, That said joint resolution and bills be read the second time.

Said bills and joint resolution were severally read the second time by their titles, the constitutional provision as to the second reading of said bills and joint resolution at length being dispensed with.

Ordered, That they be placed in the orders of the day.

A message was received from the Senate by Senators Hickman, Johnson and Phelps, announcing that the Senate was ready to

convene with the House of Representatives in joint assembly for the purpose of executing the joint special order of the day, to-wit.: The election of a Senator in the Congress of the United States from the State of Kentucky for the term of six years, to succeed the Hon. Joseph C. S. Blackburn, whose term of office will expire on the fourth day of March, A. D., 1907, said joint special order being in conformity with the laws of the United States and of the State of Kentucky in such cases made and provided.

Mr. McKnight moved that a committee of three members be appointed by the Speaker to notify the Senate that the House of Representatives was now ready to receive the Senate in joint assembly for the purpose of executing the joint special order as aforesaid.

Said motion was agreed to.

The Speaker appointed as said committee Messrs. McKnight, Southall and Bosworth.

Said committee retired, and after a time reported that they had discharged said duty.

The hour of 12 o'clock meridian having arrived, the hour for the joint special order of the day, as aforesaid, the Senate of Kentucyk, in order, entered upon the floor of the House of Representatives and in pursuance to a joint rule of the Senate and House of Representatives, the Hon. William P. Thorne, Lieutenant Governor and President of the Senate, took the chair and presided, the Hon. Henry K. Lawrence, Speaker of the House of Representatives, having taken his seat on the left of the President of the Senate.

The two Houses were convened in joint assembly, the same being composed of a majority of all the members elected to each House.

The roll was called, and the following members of the joint assembly answered to their names, viz.:

Senators—

J. Embry Allen,
Alvis S. Bennett,
Curtis F. Burnam,
J. W. Cammack,
J. Wheeler Campbell,
Albert H. Charlton,
J. P. Chinn,
John W. Combs,
William H. Cox,
S. E. DeHaven,
C. B. Ecton,
Henry George,
E. P. Gillenwaters,
S. T. Gorin,
R. R. Grady,
M. L. Harbeson,
G. W. Hickman,
O. P. Hogan,
Ben Johnson,
Harry Lancaster,
Conn Linn,
P. S. Maxwell,
H. S. McNutt,
L. C. Nell,
R. W. Owen,
Laban Phelps,
Nat. A. Porter,
E. K. Renaker,
Frank Rives,
Benjamin Sewell,
G. W. Shadoan,
Brent Spence,
W. W. Tabb,
E. C. Ward,
M. G. Watson,
W. B. Whitt—36.

Representatives—

J. M. Alverson,
Louis W. Arnett,
John Barr,
E. Barry,
W. G. Baxter,
Charles C. Beard,
B. O. Becker,
Peter Best, Jr.,
Roger P. Blair,
Joe F. Bosworth,
J. C. Byland,
W. T. Cain,
M. F. Campbell,
Bennett Clarke,
J. W. Clay,
W. D. Claybrooke,
Sam. D. Cochran,
H. K. Cole,
W. H. Cole,
Henry M. Cox,
Ed. Croan,
Henry W. Curle,
Charles I. Dawson,
A. L. Denny,
Taylor P. Gabbard,
Lloyd W. Gates,
A. J. Gorham,
H. H. Griffin,
John C. Griffith,
B. P. Grigsby, Sr.,
Paul Gullion,
James A. Hagan,
Albert Hamilton,
J. A. Hamon,
C. W. G. Hannah,
D. C. Hopper,
W. J. Jackson,
L. F. Johnson,
W. H. Jones,
Wm. F. Klair,
Geo. D. Litsey,
H. M. McCarty,
Virgil McKnight,
M. H. McLean,
Henry C. Miller,
J. M. Mitchell,
V. W. Morris,
James S. Morris,
J. M. Robertson,
Richard S. Rose,
S. M. Russell,
J. T. Scott,
Ed. H. Shellman,
R. C. Simmons,
Emmet P. Slattery,
W. W. Smith,
W. H. Southall,
Hub L. Stevens,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
D. P. Taggart,
C. C. Terry,
A. J. Thompson,
C. F. Thornton,
Harry Weitkamp,
T. A. Weldon,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson,

| | | |
|---|---|---|
| Lawrence J. Diskin, | Ed. Mulcahy, | Wm. Wilt, |
| Thomas Drewry, | Ion B. Nall, | J. Hal Woodford, |
| W. Reed Embry, | Henry G. Overstreet, | W. T. Wright, |
| Robert Enlow, | C. M. Paynter, | James C. Yaden, |
| J. A. Frazier, | John R. Ray, | J. A. Yates, |
| M. T. Freeman, | M. M. Redwine, | Speaker Lawrence—90. |

The Journals of the proceedings had in the two Houses on yesterday pertaining to the election of a Senator in the Congress of the United States as aforesaid, were read and approved by the joint assembly.

It appears upon reading and comparison of the two Journals as aforesaid, that the vote taken in the two Houses separately on yesterday, were as follows, viz.:

In the Senate—

Those who voted for Paynter were—

| | | |
|---|---|---|
| J. Wheeler Campbell, | Ben Johnson, | Nat. A. Porter, |
| C. B. Ecton, | Harry Lancaster, | E. K. Renaker, |
| Henry George, | Conn Linn, | Frank Rives, |
| E. P. Gillenwaters, | P. S. Maxwell, | Brent Spence, |
| S. T. Gorin, | H. S. McNutt, | W. W. Tabb, |
| R. R. Grady, | R. W. Owen, | M. G. Watson, |
| M. L. Harbeson, | Laban Phelps, | W. B. Whitt—22. |
| G. W. Hickman, | | |

Those who voted for Cox were—

| | | |
|---|---|---|
| Alvis S. Bennett, | John W. Combs, | Benj. Sewell—5. |
| Curtis F. Burnam, | L. C. Nell, | |

Those who voted for Burnam were—

William H. Cox.

In the House of Representatives—

Those who voted for Paynter were—

| | | |
|---|---|---|
| Louis W. Arnett, | A. J. Gorham, | M. M. Redwine, |
| E. Barry, | B. P. Grigsby, Sr., | J. M. Robertson, |
| W. G. Baxter, | James A. Hagan, | S. M. Russell, |
| Peter Best, Jr., | J. A. Hamon, | J. T. Scott, |
| Roger P. Blair, | W. J. Jackson, | Ed. H. Shellman, |
| J. C. Byland, | L. F. Johnson, | R. C. Simmons, |
| N. B. Chipman, | Geo. D. Litsey, | W. H. Southall, |
| J. W. Clay, | Virgil McKnight, | Hub L. Stevens, |
| W. D. Claybrooke, | M. H. McLean, | John A. Stevens, |
| Henry M. Cox, | Henry C. Miller, | Zeb. A. Stewart, |
| Ed. Croan, | R. W. Miller, | George W. Stone, |
| Henry W. Curle, | J. M. Mitchell, | C. C. Terry, |
| Charles I. Dawson, | James S. Morris, | A. J. Thompson, |
| Lawrence J. Diskin, | Ed. Mulcahy, | C. F. Thornton, |
| Thomas Drewry, | Ion B. Nall, | W. T. White, |
| W. Reed Embry, | W. J. Osborne, | John B. Wicker, |
| Robert Enlow, | Henry G. Overstreet, | J. Hal Woodford, |
| J. A. Frazier, | C. M. Paynter, | Will A. Young, |
| Lloyd W. Gates, | John R. Ray, | Speaker Lawrence—57 |

Those who voted for Cox were—

| | | |
|---|---|---|
| Charles C. Beard, | A. L. Denny, | V. W. Morris, |
| B. O. Becker, | M. T. Freeman, | Richard S. Rose, |
| Joe F. Bosworth, | John C. Griffith, | W. W. Smith, |
| W. T. Cain, | Albert Hamilton, | D. P. Taggart, |
| M. F. Campbell, | C. W. G. Hannah, | Harry Weitkamp, |
| Bennett Clarke, | D. C. Hopper, | James C. Yaden, |
| H. K. Cole, | W. H. Jones, | J. A. Yates—22. |
| W. H. Cole, | | |

In summing up the vote as given above, it was found to be as follows, viz.:

In the Senate—

For Thomas H. Paynter.....22 votes.
For William H. Cox..... 5 votes.
For Curtis F. Burnam..... 1 vote.

In House of Representatives—

For Thomas H. Paynter.....57 votes.
For William H. Cox.....22 votes.

It appearing from the reading and comparison of the Journals as aforesaid that Thomas H. Paynter received a majority of all the votes cast in each House, a majority of all the members elected to each House being present and voting,

The Hon. William P. Thorne, Lieutenant Governor and President of the Senate, announced and declared that the Hon. Thomas H. Paynter is duly elected a Senator in the Congress of the United States from the State of Kentucky for a term of six years, to succeed the Hon. Joseph C. S. Blackburn, whose term of office will expire on the fourth day of March, A. D. 1907.

The Journals of the two Houses of the proceedings of the joint assembly of to-day were read and approved by the joint assembly.

Senator Ward moved that the joint assembly do now dissolve.

Said motion was agreed to.

The Senate retired to their chamber and the Speaker of the House of Representatives resumed the chair and called the House to order.

By unanimous consent the rules were suspended and the following bills were introduced, ordered to be printed and referred to committees as follows, viz.:

By Mr. Mulcahy:

H. B. 234. An act repealing section 1899, Kentucky Statutes, concerning seining, netting or trapping of fish.

Referred to Committee on Fish, Game and Forestry.

By same:

H. B. 235. An act making the carrying of á concealed deadly weapon a felony.

Referred to Committee on Criminal Law.

By Mr. Geo. S. Wilson:

H. B. 236. An act to prohibit any person or corporation or company engaged in the mining or manufacturing business in this State from engaging in or being interested in, directly or indirectly, the keeping of a truck store, commissary, shop or scheme to furnish supplies, groceries, provisions, etc., to his, its, or their employes, and prescribing penalty.

Referred to Committee on Corporate Institutions.

By Mr. Alverson:

H. B. 237. An act to amend and re-enact section 1309 of the Kentucky Statutes.

Referred to Committee on Kentucky Statutes.

Mr. Gabbard called up from the clerk's desk for consideration

H. Res. 6. Resolution urging the Senators and Representatives from Kentucky in the Congress of the United States to use their efforts to secure improvements in the waterways in this Commonwealth.

(For resolution see House Journal January 11th.)

Mr. Geo. S. Wilson offered the following amendment to said resolution, viz.:

Amend by adding the word "timber" after the word "farming" in the sixth line of said resolution; by adding the word "Tradewater" just before the words "Big Sandy" in the sixth line of said resolution, and by adding the words "Tradewater river and" just after the word "dam" in the twenty-fourth line of said resolution.

Said amendment was agreed to.

Said resolution as amended was then read and adopted.

And then the House adjourned.

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THURSDAY, JANUARY 18, 1906.

The House was opened with prayer by Rev. C. R. Hudson, pastor of the Christian church.

The reading of the Journal of yesterday's proceedings was dispensed with, and same was approved.

Mr. Dawson offered the following resolution, viz.:

Be it resolved, That the Auditor of Public Accounts be directed to draw his warrant upon the State Treasurer in favor of J. P. Muncy for the sum of $75, same being amount allowed him in the contest from the Ninety-second Legislative District of Kentucky, wherein J. P. Muncy was contestant and John C. Griffith contestee, same to be certified and paid as a contingent expense of this House.

Said resolution was adopted.

Mr. Royalty announced that had he been present on Tuesday, the 16th inst., he would have voted for Thomas H. Paynter, for Senator in the Congress of the United States.

Ordered that same be noted on the Journal.

The committee to which the same had been referred reported bills of the following titles, viz.:

By Mr. Redwine, of the Committee on Kentucky Statutes:

H. B. 33. An act to fix a tax on pardons for carrying concealed, deadly weapons.

By Mr. R. W. Miller, of the Committee on Codes of Practice:

H. B. 8. An act to amend section thirty-two (32) of the Criminal Code of Practice.

Said bills were severally read the first time at length and ordered to be placed upon the calendar.

The House took up for consideration from the calendar, a bill, entitled

H. B. 9. An act to amend an act, regulating the terms of court in the Thirteenth Judicial District.

Ordered that said bill be read the second time.

Said bill was read the second time by its title, the provision of the Constitution as to the second reading of said bill at length being dispensed with.

Ordered that said bill be placed in the orders of the day.

The House took up for consideration from the orders of the day, a bill, entitled

H. B. 145. An act providing the manner of adding one additional judge to circuit courts of continuous sessions in counties constituting separate judicial districts having one judge, and establishing the division thereof.

Said bill is as follows, viz.:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. Each county having a city of twenty thousand inhabitants, and a population, including said city, of forty thousand inhabitants or more, may constitute a district, and when its population reaches seventy-five thousand, the General Assembly may provide that such county shall have an additional judge, and such district may have a judge for each additional fifty thousand population above one hundred thousand.

§ 2. Whenever the General Assembly shall declare such county entitled to an additional circuit court judge, the circuit court of said county shall be divided into two divisions, one of the divisions to be known and designated the criminal, common law and equity division, and the other the common law and equity division. The judge of the court at the time the additional judge is provided shall be the judge of the criminal, common law and equity division, and the added judge to be the judge of the common law and equity division.

§ 3. Within sixty days after any of said circuit court districts shall be entitled to an additional judge, and an additional judge for said district shall be provided by law, the Governor shall appoint a person having the qualifications of circuit court judges to preside over the common law and equity division of said court, and said person when appointed shall be commissioned by the Governor as judge of the common law and equity division of said court, and shall enter upon the duties of said office as soon as he shall have qualified, and shall continue in office until the next regular election, and until his successor is elected and qualified. At the next regular election, which shall occur not earlier than three months after the creation of said office, an election shall be held to fill said office, and said office shall then be filled by election until the regular election, at which all other circuit court judges are elected, at which time and thereafter said judge shall be elected for the same term, and shall

assume his office at the same time that other circuit court judges are elected and assume their offices. The person or persons appointed to fill the office or offices which may be created under this law shall hold their offices until the first Monday in January next succeeding the time at which at an election is held to fill said office.

§ 4. Whereas, the business of circuit courts of this Commonwealth entitled to an additional judge has accumulated to such an extent as to seriously impair and retard the administration of justice therein, and for the relief thereof an additional judge is essential in such districts, an emergency is hereby declared, and this act shall take effect and be in force from and after its passage.

Ordered that said bill be read the third time.

Said bill was read the third time by its title, the provision of the Constitution as to the reading of said bill at length being dispensed with, and said bill was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, was as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | Lloyd W. Gates, | John R. Ray, |
| John Barr, | W. J. Gooch, | M. M. Redwine, |
| E. Barry, | H. H. Griffin, | J. M. Robertson, |
| W. G. Baxter, | John C. Griffith, | Richard S. Rose, |
| Charles C. Beard, | B. P. Grigsby, Sr., | J. T. Royalty, |
| B. O. Becker, | Paul Gullion, | R. C. Simmons, |
| Peter Best, Jr., | James A. Hagan, | Emmet P. Slattery, |
| Roger P. Blair, | Albert Hamilton, | W. W. Smith, |
| Joe F. Bosworth, | J. A. Hamon, | Hub L. Stevens, |
| J. C. Byland, | C. W. G. Hannah, | John A. Stevens, |
| W. T. Cain, | D. C. Hopper, | Zeb. A. Stewart, |
| M. F. Campbell, | W. J. Jackson, | George W. Stone, |
| N. B. Chipman, | L. F. Johnson, | D. P. Taggart, |
| Bennett Clarke, | W. H. Jones, | C. C. Terry, |

W. D. Claybrooke, Wm. F. Klair, C. F. Thornton,
Sam. D. Cochran, Geo. D. Litsey, Harry Weitkamp,
H. K. Cole, M. H. McLean, T. A. Weldon,
W. H. Cole, Henry C. Miller, W. T. White,
Henry M. Cox, R. W. Miller, John B. Wicker,
Ed. Croan, J. M. Mitchell, Geo. S. Wilson,
Henry W. Curle, V. W. Morris, Wm. Wilt,
Charles I. Dawson, James S. Morris, J. Hal Woodford,
A. L. Denny, Ed. Mulcahy, W. T. Wright,
Lawrence J. Diskin, Ion B. Nall, James C. Yaden,
W. Reed Embry, W. J. Osborne, J. A. Yates,
M. T. Freeman, Henry G. Overstreet, Will A. Young—80.
Taylor P. Gabbard, C. M. Paynter,

Those who voted in the negative were—

H. Kirby Bourne,

Resolved that the title thereof be as aforesaid.

Mr. Arnett moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the orders of the day, a bill, entitled

H. B. 93. An act concerning circuit courts having continuous sessions and two judges.

Said bill is as follows, viz.:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That all circuit courts having continuous sessions and two judges shall be divided into two divisions, to be called criminal, common law and equity division and common law and equity division.

§ 2. Of actions which are within the jurisdiction of such court,

all criminal prosecutions and proceedings upon bail bonds, and recognizances, in criminal causes, shall be brought and prosecuted in that division of the court designated as criminal, common law and equity division.

Civil actions shall be prosecuted in both the criminal, common law and equity division and the common law and equity division, and such actions shall be divided between them, and assigned to them as hereinfter provided.

§ 3. Whenever six equitable actions or special proceedings shall have been filed in said court, and are unassigned, the style and number of each action shall be written on a separate piece of paper, such piece being as nearly similiar to the other as may be. Each piece shall be rolled up so that the style and number of the action thereon can not be seen, nor any particular piece ascertained by feeling. The whole, so prepared, shall be placed by the clerk in a box on his table, and after it has been well shaken, and the papers therein well intermixed, the clerk shall draw out one paper, which shall be opened and read aloud by one of the judges, and the action, the number and style of which shall have been written upon such piece of paper, shall be assigned to the criminal, common law and equity division of the court.

The clerk, after shaking the box and intermixing the papers, shall draw out a second paper, which shall be opened and read aloud by one of the judges, and the action, the number and style of which shall have been written upon such piece of paper, shall be assigned to the common law and equity division of the court, and the clerk shall continue to draw from the box the pieces of paper in the manner provided, and the actions shall continue to be assigned, alternately, to each of the divisions of the court until all of the pieces of paper shall have been drawn, and all the actions shall have been assigned. And when six common law actions shall have been filed in said court, and are unassigned, the style and number of each action shall be written upon a separate piece of paper and placed in the box, and drawn, and assigned to each of the divisions of the court in the same

manner as the equitable actions are directed to be drawn and assigned, and the clerk shall immediately enter upon the record the style and number of each action assigned, and to which division it has been assigned. The prosecution of such actions shall thereafter be in the division of the court to which they shall thus have been assigned, respectively. The preparation of the pieces of paper to be placed in the box, the drawing thereof and the assigning of the actions shall be done in open court, at a general term, and in the presence of both judges.

§ 4. When an action has been assigned, as herein provided, the clerk shall stamp the name of the division to which it has been assigned upon all pleadings filed therein and which may thereafter be filed, indicating the division in which they are filed.

§ 5. Until actions shall have been assigned, as herein provided, either division of the court or judge thereof may grant any provisional remedy, and hear and determine all motions and proceedings in such actions; but neither division, nor judge thereof, shall grant any provisional remedy which shall have been refused by the other divisions of the court, or judge thereof, nor render a final judgment in any action until the action shall have been assigned to that division.

§ 6. If at any time the judges of such court shall be of the opinion that either division is overburdened with the business of the court, in comparison with the business assigned to the other division, they shall enter an order at a general term so stating, and stating to which division it is desired to assign the greater part of the actions to be assigned in the future; and thereafter all actions shall be assigned as hereinbefore directed, except, that if it be desired to increase the number of actions in the criminal, common law and equity division, the actions designated upon the first, second, fourth and fifth pieces of paper drawn by the clerk shall be assigned to that division, and the actions designated upon the third and sixth pieces of paper drawn by the clerk shall be assigned to the common law and equity division; and if it be desired to increase the number of

actions in the common law and equity division, the action designated upon the second, third, fifth and sixth pieces of paper drawn by the clerk shall be assigned to that division, and the actions designated upon the first and fourth pieces of paper drawn, shall be assigned to the criminal, common law and equity division, and this mode of assigning actions filed in said court shall continue until the business in the divisions of the court shall have been equalized, when an order shall be entered at a general term by the judges so stating, and thereafter the actions shall be assigned as hereinbefore provided.

§ 7. Whenever an additional judge shall have been added, as provided by law, to a court of continuous session having only one judge, the common law and equity actions pending in said court shall be divided between the two divisions of the court in the following manner.

Within twenty days after such additional judge shall have qualified and entered upon the duties of his office, the style and number of each equitable action, then pending in said court, shall be written upon a separate piece of paper and placed in a box by the clerk, and he shall then draw from the box the pieces of paper, and the actions indicated thereon shall be assigned, alternately, to each of the divisions of the court in the same manner as hereinbefore provided for the drawing and assigning of equitable actions, until all of such actions shall have been assigned. Likewise, within twenty days after such additional judge shall have qualified and entered upon the duties of his office, the style and number of each common law action then pending in said court shall be written upon a separate piece of paper and placed in a box by the clerk, and he shall then draw from the box the pieces of paper, and the actions indicated thereon shall be assigned, alternately, to each division of the court in the same manner hereinbefore provided for the drawing and assigning of equitable actions, until all such actions have been assigned. Thereafter such actions shall be prosecuted in that division of the court to which they shall have been assigned, respectively.

§ 8. When two or more actions shall have been filed in such court which may, as a matter of right, be consolidated, if pending in the same division of the court; or if two or more actions shall have been filed in such court, in which a common fund is involved, or in which the validity or construction of the same statute or ordinance of any city or town, or proceeding, or act, of the fiscal court, or trustees or commissioners of a county, or trustees of a taxing district, is alone involved, or in which the enforcement of liens upon the same property is sought, and such actions shall be pending in different divisions of such court, any party to such actions may have any of such actions transferred to that division of the court in which the first of the actions that may be consolidated was filed, or in which the first action was instituted involving such fund, or involving alone the validity or construction of such statute, ordinance, proceeding or act, or seeking the enforcement of a lien upon the property or the judge of the court may order such transfers to be made without a motion by any of the parties.

§ 9. That when any county may have a population of not less than sixty thousand and not more than one hundred thousand inhabitants, the county, or any city, or taxing district therein, byt its board of magistrates, fiscal court, council or commissioners, are hereby authorized and empowered to allow and pay the judge, or judges, of the circuit court of such county, such annual compensation, in addition to that paid by the State, as they may deem just and proper. Provided, That if, in such county, there shall be two judges of the circuit court, such annual compensation allowed shall be an equal amount to each judge, and any compensation allowed or paid one of said judges, and not allowed and paid to the other, and any excess allowed and paid one of said judges over that allowed and paid to the other shall be illegal and unauthorized.

§ 10. In counties having a population of less than one hundred and fifty thousand, and which constitute separate circuit court districts, and in which there is a city of the second class, not the county seat of the county, wherein circuit courts having continuous sessions

are authorized to hold sessions of the court, and in which the circuit court has two judges, all sessions of the court held at the county seat of the county, at which grand juries are required by law or rule of court to be summoned, shall be presided over by the judge of the criminal, common law and equity division of said court. All other sessions of the court held at the county seat of the county, shall be presided over by the judge of the common law and equity division of said court.

§ 11. That the said court, at a general term, at which both judges shall preside, shall adopt uniform rules, not in conflict with the provisions of this act or contrary to law, for the transaction of the business of the court, which shall not be changed except at a general term. At such term they shall assign to the respective division of the court all actions, as herein provided, and shall perform all acts required by this act to be done in general terms.

General terms shall be held at such times as the court shall by rule appoint, and may also be called from time to time, in writing, by either of the judges. Besides the order books and the judgment books of the divisions of said court, the clerk of said court shall keep an order book of the general term, where shall be entered all rules made, and other business transacted at general terms.

§ 12. That whenever an additional judge shall have been added to a court having continuous sessions, and having only one judge, other than by election at a general election at which all circuit court judges are required by law to be elected, the power or appointement of a master commissioner and receiver of the court shall be vested and remain in the judge of the court who was judge thereof before such additional judge was added to the court until the judges of the court shall have been elected at the next regular election at which all circuit court judges are required by law to be elected, and shall have qualified.

After the next general election of circuit court judges succeeding the addition of such judge to the court, the two judges of the court elected at such election, after having qualified, and within twenty

days after assuming the duties of the office, shall by order entered at a general term of the court, appoint a master commissioner and receiver of the court. In the event the judges are unable to agree upon a commissioner and receiver, the clerk of the court shall have the deciding vote, and the order appointing such commissioner and receiver as one of the judges and the clerk of the court shall agree upon, shall be entered upon the order-book in which the orders and proceedings of general terms are kept, and shall be signed by both of the judges and clerk of the court.

The master commissioner and receiver so appointed shall qualify, and shall have all the rights, powers and duties, and be subject to the same liabilities of master commissioners and receivers of circuit courts of this Commonwealth.

§ 13. That in every circuit court district having two judges, each office of circuit judge shall be voted for separately. The ballots shall specify as follows: For judge of the circuit court, criminal, common law and equity division; for judge of the circuit court, common law and equity division.

The person receiving the largest number of legal votes marked criminal, common law and equity division, shall be elected judge of that division, and the person receiving the largest number of legal votes marked common law and equity division, shall be elected judge of that division. Each judge of said court shall preside over the division of the court to which he is elected during his entire term of office, except as hereinafter provided. This act shall apply to filling vacancies in the office of circuit judges of such districts.

§ 14. Where by reason of the nature of the cause, or the disability of the judge of the division of the court wherein any civil action shall be pending, such judge can not sit in the trial of the action, the judge of the other division may, upon the request of the judge of the division in which such action is pending, entered upon the order book of that division, preside in the trial or hearing of such action. If both of such judges be disqualified, or if in any criminal action or proceedings the judge of the criminal, common law and equity

division be disqualified from presiding at the trial of the action, a special judge shall be selected as provided by law.

§ 15. Whereas, Re-arrangements of the dockets of the divisions of said courts an assignments of actions pending therein are immediately necessary in order to prevent serious delay in the administration of justice in said court, an emergency exists, and this act shall take effect from and after its passage.

Ordered that said bill be read the third time.

Said bill was read the third time by its title, the provision of the Constitution as to the third reading of said bill at length being dispensed with, and said bill was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | Lloyd W. Gates, | John R. Ray, |
| John Barr, | W. J. Gooch, | M. M. Redwine, |
| E. Barry, | A. J. Gorham, | J. M. Robertson, |
| W. G. Baxter, | H. H. Griffin, | Richard S. Rose, |
| Charles C. Beard, | John C. Griffith, | J. T. Royalty, |
| B. O. Becker, | B. P. Grigsby, Sr., | S. M. Russell, |
| Peter Best, Jr., | Paul Gullion, | R. C. Simmons, |
| Roger P. Blair, | James A. Hagan, | Emmet P. Slattery, |
| Joe F. Bosworth, | Albert Hamilton, | W. W. Smith, |
| H. Kirby Bourne, | J. A. Hamon, | Hub L. Stevens, |
| J. C. Byland, | C. W. G. Hannah, | John A. Stevens, |
| W. T. Cain, | D. C. Hopper, | Zeb. A. Stewart, |
| Albert Hamilton, | W. J. Jackson, | George W. Stone, |
| N. B. Chipman, | L. F. Johnson, | D. P. Taggart, |
| Bennett Clarke, | W. H. Jones, | C. C. Terry, |
| W. D. Claybrooke, | Wm. F. Klair, | C. F. Thornton, |
| Sam. D. Cochran, | Geo. D. Litsey, | Harry Weitkamp, |
| H. K. Cole, | M. H. McLean, | T. A. Weldon, |
| W. H. Cole, | Henry C. Miller, | W. T. White, |

| | | |
|---|---|---|
| Henry M. Cox, | R. W. Miller, | John B. Wicker, |
| Ed. Croan, | J. M. Mitchell, | Geo. S. Wilson, |
| Henry W. Curle, | James S. Morris, | Wm. Wilt, |
| Charles I. Dawson, | Ed. Mulcahy, | J. Hal Woodford, |
| A. L. Denny, | Ion B. Nall, | W. T. Wright, |
| Lawrence J. Diskin, | W. J. Osborne, | James C. Yaden, |
| W. Reed Embry, | Henry G. Overstreet, | J. A. Yates, |
| M. T. Freeman, | C. M. Paynter, | Will A. Young—82. |
| Taylor P. Gabbard, | | |

In the negative—none.

Resolved, That the title thereof be as aforesaid.

Mr. Arnett moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the orders of the day, a bill, entitled

H. B. 94. An act to authorize, and to add one additional judge to the circuit court for the Sixteenth Circuit Court District, and providing for the appointment and election thereof.

Said bill is as follows, viz.:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That one additional judge of the circuit court for the Sixteenth Circuit Court District is hereby authorized and added to said court.

§ 2. Such additional judge shall preside over the common law and equity division of said court.

§ 3. Within sixty days after this act shall have become operative, the Governor shall appoint a person, having the qualifications of a circuit judge, to preside over the common law and equity divis-

ion of the Sixteenth Circuit Court District, who, when appointed, shall be commissioned by the Governor as judge of the common law and equity division of the Sixteenth Circuit Court District, and shall enter upon the duties of the office as soon as he shall have qualified and shall continue in office until the first Monday in January, nineteen hundred and seven, and until his successor is elected and shall have qualified.

An election of such additional judge, shall be held at the regular election to be held on Tuesday next after the first Monday in November, one thousand nine hundred and six, and after qualifying as provided by law the judge so elected, shall enter upon the duties of the office upon the first Monday in January, one thousand nine hundred and seven, and continue in office until the first Monday in January, one thousand nine hundred and ten, until his successor shall have been elected and qualified.

The judge so elected shall be commissioned by the Governor as judge of the common law and equity division of the Sixteenth Circuit Court District.

At the regular election to be held on the first Tuesday after the first Monday in November, one thousand nine hundred and nine and every six years thereafter, such additional judge shall be elected, as other circuit court judges are required to be lected and shall enter upon the duties of the office on the first Monday in January next succeeding his election.

§ 4. Whereas, The dockets of the Sixteenth Circuit Court District are so overcrowded as to seriously delay the administration of justice in said court, an emergency exists, and this act shall take effect from and after its passage.

Ordered that said bill be read the third time.

Said bill was read the third time by its title, the provision of the Constitution, as to the third reading of said bill at length being dispensed with, and said bill was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Louis W. Arnett,
John Barr,
E. Barry,
W. G. Baxter,
Charles C. Beard,
B. O. Becker,
Peter Best, Jr.,
Roger P. Blair,
Joe F. Bosworth,
J. C. Byland,
W. T. Cain,
M. F. Campbell,
N. B. Chipman,
Bennett Clarke,
W. D. Claybrooke,
Sam. D. Cochran,
H. K. Cole,
W. H. Cole,
Henry M. Cox,
Ed. Croan,
Henry W. Curle,
Charles I. Dawson,
A. L. Denny,
Lawrence J. Diskin,
W. Reed Embry,
M. T. Freeman,
Taylor P. Gabbard,
Lloyd W. Gates,
W. J. Gooch,
A. J. Gorham,
John C. Griffith,
Paul Gullion,
James A. Hagan,
Albert Hamilton,
J. A. Hamon,
C. W. G. Hannah,
D. C. Hopper,
W. J. Jackson,
L. F. Johnson,
W. H. Jones,
Geo. D. Litsey,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
J. M. Mitchell,
V. W. Morris,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
M. M. Redwine,
J. M. Robertson,
Richard S. Rose,
J. T. Royalty,
S. M. Russell,
R. C. Simmons,
Emmet P. Slattery,
W. W. Smith,
Hub L. Stevens,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
D. P. Taggart,
C. C. Terry,
C. F. Thornton,
Harry Weitkamp,
T. A. Weldon,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
J. Hal Woodford,
W. T. Wright,
James C. Yaden,
J. A. Yates,
Will A. Young—76.

Those who voted in the negative were—

H. Kirby Bourne, John R. Ray—2.

Resolved, That the title thereof be as aforesaid.

Mr. Arnett moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the orders of the day a joint resolution, entitled

H. Res. 3. Resolution appropriating money to pay for repairing and re-covering desks of members in hall of House of Representatives.

(See Journal of January 10th for resolution.)

Ordered that said resolution be read the third time.

Said resolution was read the third time by its title, the provision of the Constitution as to the third reading of said resolution at length being dispensed with, and said resolution was adopted.

The yeas and nays being taken on the adoption of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Louis W. Arnett,
John Barr,
E. Barry,
W. G. Baxter,
Charles C. Beard,
B. O. Becker,
Peter Best, Jr.,
Roger P. Blair,
Joe F. Bosworth,
H. Kirby Bourne,
J. C. Byland,
W. T. Cain,
M. F. Campbell,
N. B. Chipman,
Bennett Clarke,
W. D. Claybrooke,
Sam. D. Cochran,
Lloyd W. Gates,
W. J. Gooch,
A. J. Gorham,
H. H. Griffin,
John C. Griffith,
B. P. Grigsby, Sr.,
Paul Gullion,
James A. Hagan,
Albert Hamilton,
J. A. Hamon,
C. W. G. Hannah,
W. J. Jackson,
L. F. Johnson,
W. H. Jones,
Wm. F. Klair,
Geo. D. Litsey,
M. H. McLean,
John R. Ray,
M. M. Redwine,
J. M. Robertson,
Richard S. Rose,
J. T. Royalty,
S. M. Russell,
R. C. Simmons,
Emmet P. Slattery,
W. W. Smith,
Hub L. Stevens,
John A. Stevens,
George W. Stone,
D. P. Taggart,
C. C. Terry,
C. F. Thornton,
Harry Weitkamp,
T. A. Weldon,

| | | |
|---|---|---|
| H. K. Cole, | Henry C. Miller, | W. T. White, |
| W. H. Cole, | R. W. Miller, | John B. Wicker, |
| Henry M. Cox, | J. M. Mitchell, | Geo. S. Wilson, |
| Ed. Croan, | V. W. Morris, | Wm. Wilt, |
| Henry W. Curle, | James S. Morris, | J. Hal Woodford, |
| Charles I. Dawson, | Ed. Mulcahy, | W. T. Wright, |
| A. L. Denny, | Ion B. Nall, | James C. Yaden, |
| W. Reed Embry, | W. J. Osborne, | J. A. Yates, |
| M. T. Freeman, | Henry G. Overstreet, | Will A. Young—80. |
| Taylor P. Gabbard, | C. M. Paynter, | |

In the negative—none.

Resolved, That the title thereof be as aforesaid.

Leave of absence for an indefinite time was granted to Mr. Beard.

Mr. Young offered the following joint resolution, viz.:

Whereas, There has been for some time past a state of lawlessness in the county of Breathitt, and further trouble seems imminent unless some steps are taken to prevent same, be it

Resolved by the General Assembly of the Commonwealth of Kentucky, That the President of the Senate and Speaker of the House be directed to appoint three members of each body, not over two of each appointment to be of the same political faith, to go to the county of Breathitt at once and use every effort in their power to bring the opposing factions together, and if possible effect a permanent settlement of all the trouble in the county of Breathitt, and said committees are directed to report as soon as possible their acts, with recommendations that they believe best, to their respective Houses.

Said resolution was read and ordered to lie over one day.

The Speaker laid before the House the following response of the State Librarian to a resolution adopted by this House on a former day, viz.:

Office of the State Librarian,
Frankfort, Ky., January 17, 1906.

Hon. Henry R. Lawrence,
Speaker of the House of Representatives,

Mr. Speaker:—In reply to a resolution from your honorable body we beg leave to state that we bought under direction of the resolution from the House of Representatives of date of January 13, 1904, forty copies of the last edition of the Kentucky Statutes and Code of Practice for use of committees which were furnished the chairman of the various committees and receipt taken for them. Of these thirty-two copies were returned to this office at the close of the session and sold under subsequent resolution and the proceeds turned into the treasury.

Under similar resolution thirty copies were purchased for use of the Senate which were furnished to chairmen of committees and their receipts taken for same. At the close of the session twenty-six copies were returned to this office and sold as per similar resolution and the proceeds turned into the treasury. Some of the State departments were furnished these statutes on requisitions which are held as receipts on file in this office.

There were no copies of the statutes purchased under these resolutions in this office at the beginning of the present session, but there were ten copies of the Codes of Practice, which we are furnishing under similar resolutions of the present General Assembly.

The receipts and record of sale for all these volumes is on file in the Librarian's office, and we shall be glad to show them to any one desiring further information.

Very respectfully,
PAULINE HARDIN VAN METER,
State Librarian.

And then the House adjourned.

FRIDAY, JANUARY 19, 1906.

The House was opened with prayer by Rev. C. R. Hudson, pastor of the Christian church.

The reading of the Journal of yesterday's proceedings was dispensed with and the same was approved.

Upon the call of the counties and Representative districts the following bills were introduced, ordered to be printed and referred to the committee as follows, viz.:

By Mr. W. H. Cole:

H. B. 238. An act to amend section 2260, Kentucky Statutes, Carroll edition, 1903, same being chapter 74 and article 3 of Kentucky Statutes, and entitled fees, same became a law May 22, 1893, changing fees of jurors in inferrior courts from fifty cents to one dollar per day.

Referred to Committee on Kentucky Statutes.

By Mr. Woodford:

H. B. 239. An act to amend section 1837 of Kentucky Statutes.

Referred to Committee on County and City Courts.

By Mr. Becker:

H. B. 240. An act to authorize the fiscal court of each county of the county commissioners to furnish memorial tablets from the graves of deceased soldiers, sailors and marines.

Referred to Committee on County and City Courts.

By Mr. Embry:

H. B. 241. An act to amend section 1160 of Kentucky Statutes.

Referred to Committee on Judiciary.

By Mr. Stewart:

H. B. 242. An act to prohibit spirituous, vinous or malt liquors from being shipped into any local option district.

Referred to Committee on Judiciary.

By Mr. Gullion:

H. B. 243. An act to amend section 4143, Kentucky Statutes, by requiring sheriffs and tax collectors to advertise time taxes become due and penalties imposed for non-payment.

Referred to Committee on Printing.

By Mr. Redwine:

H. B. 244. An act concerning domestic life insurance companies.

Referred to Committee on Insurance.

By Mr. Southall:

H. B. No. 245. An act to amend section 795 of Kentucky Statutes, entitled "separate coaches or compartments for white and colored passengers."

Referred to Committee on Judiciary.

By Mr. Gabbard:

H. B. 246. An act to amend section 4425 of Kentucky Statutes, relative to examinations for teachers' county and State certificates and State diplomas.

Referred to Committee on Education No. 1.

By Mr. Klair:

H. B. 247. An act to provide for the punishment of persons responsible for or directly promoting or contributing to the conditions that render a child dependent, neglected or delinquent.

Referred to Committee on Judiciary.

By Same:

H. B. 248. An act concerning children.

Referred to Committee on Judiciary.

By Mr. Johnson:

H. B. 249. An act for the benefit of the Kentucky Historical Society, appropriating annually $5,000 therefore and providing for postage and stationery supplies for the society and providing for the publication of the Register magazine of the society.

Referred to Committee on Public Monuments and Historical Records.

By Same:

H. B. 250. An act appropriating money for industrial training for colored persons and for completing girls dormitory and providing water for ordinary use and fire protection at the Kentucky Normal Industrial Institute.

Referred to Committee on Appropriations.

By Same:

H. B. 251. An act to amend and re-enact an act, entitled An act relating to courts of justice, approved June 10, 1893, being paragraph 14 of section 965, Kentucky Statutes, changing the terms of court in all the counties of the Fourteenth Circuit Court District.

Referred to Committee on Judiciary.

By Mr. Mitchell:

H. B. 252. An act to prohibit the transportation of spirituous liquors, etc., into local option districts.

Referred to Committee on Kentucky Statutes.

By Mr. Gates:

H. B. 253. An act to amend and re-enact as amended sections 3904, 3905 and 3907, being part of article 5 of chapter 98, John D.

Carroll, 1903 edition of the Kentucky Statutes, relating to public administrators.

Referred to Committee on Kentucky Statutes.

By Mr. Slattery:

H. B. 254. An act to amend section 1214 of Kentucky Statutes, concerning seduction.

Referred to Committee on Judiciary.

By Same:

H. B. 255. An act to amend an act, entitled An act for the government of cities of the first-class., approved February 1, 1893.

Referred to Committee on Municipalities.

By Same:

H. B. 256. An act to amend an act, entitled An act for the government of cities of the first-class, approved July 1, 1893.

Referred to Committee on Municipalities.

By Same:

H. B. 257. An act to enable cities of the first-class to construct a comprehensive system for the disposition of sewerage.

Referred to Committee on Municipalities.

By Mr. Arnett:

H. B. 258. An act concerning cigarettes and cigarette material.

Referred to Committee on Kentucky Statutes.

By Same:

H. B. 259. An act to secure school attendance of children between the ages of seven and fourteen years.

Referred to Committee on Immigration and Labor.

By Mr. Rose:

H. B. 260. An act to amend an act of March 17, 1902, entitled An act for the protection of orchards, game preserves, ginseng gardens or farm or other private premises.

Referred to Committee on Kentucky Statutes.

By Mr. Dawson:

H. B. 261. An act giving to notes executed for advancements or loans on tobacco the force effect of a mortgage and providing for the acknowledgement and recording of same and fixing the fees charged therefore.

Referred to Committee on Kentucky Statutes.

By Mr. Barr:

H. B. 262. An act to further regulate the trials of criminal prosecutions and the admission of evidence therein with special reference to the carrying of concealed, deadly weapons.

Referred to Committee on Criminal Law.

By Mr. J. A. Stevens:

H. B. 263. An act to amend section 2740, Kentucky Statutes, by assigning Livermore to the cities of the fifth-class.

Referred to Committee on Classification of Cities and Towns.

By Mr. J. S. Morris:

H. B. 264. An act to permit the use of voting machines in Kentucky.

Referred to Committee on Suffrage and Elections.

By Mr. G. S. Wilson:

H. B. 265. An act to provide for an amendment to section 253 of the Constitution of Kentucky.

Referred to Committee on Constitutional Amendments.

By Same:

H. B. 266. An act making it a misdemeanor for any person, company or corporation engaged in operating a coal mine to permit any person to work in a room of his, its or their coal mines who has not had two years' experience with or as a practical miner, or unless such person be accompanied by some other person in such work who has had two years years' experience as a practical miner and fixing a penalty for the violation of same.

Referred to Committee on Corporate Institutions.

By Mr. Robertson:

H. B. 267. An act for the protection of English, ring neck, Mongolian and Chinese pheasants.

Referred to Committee on Fish, Game and Forestry.

By Mr. Claybrooke:

H. B. 268. An act to amend section 1899, Kentucky Statutes, in regard to seining and re-enact the same as amended.

Referred to Committee on Fish, Game and Forestry.

By Mr. Redwine:

H. B. 269. An act to amend section 964, Kentucky Statutes, and adding thereto subsection A., called section 964A.

Referred to Committee on Kentucky Statutes.

By Mr. Young:

H. B. 270. An act to prohibit attorneys at law from soliciting fees.

Referred to Committee on Criminal Law.

By Mr. Southall:

H. B. 271. An act to repeal section 1277 of Kentucky Statutes and enacting two sections in lieu thereof.

Referred to Committee on Kentucky Statutes.

Mr. Drewry presented the petition of sundry citizens of the city of Louisville, asking the enactment of a law permitting the giving of boxing exhibitions.

Which was read and referred to the Committee on Propositions and Grievances.

Mr. Redwine offered the following resolution, viz.:

Be it resolved by the House of Representatives of Kentucky, That there is hereby allowed to W. A. Young, contestee in the contest to the right to a seat in this House, a Representative from the Representative district composed of the counties of Bath and Rowan, wherein J. L. Howell and Thomas P. Barbour are contestants, and Will A. Young is contestee, the sum of $75.00 for his expense in said contest, and that there is hereby allowed to his attorneys of record the sum of $200.00 for their services as attorneys in said contests, said sum are to be paid as part of the contingent expenses of the House and are hereby declared to be such, and the Auditor of the State will draw his warrant for said sum of $75.00 in favor of W. A. Young, and will draw his warrant for the amount of the above attorney's fees in favor of the person or persons certified by the clerk of the House to be attorneys of record for contestee when there is presented to him a voucher for said sums, and a copy of these resolutions are declared to be a voucher.

Countersigned by the clerk of the House and the Treasurer of the State will draw his check for the amount of said warrants in favor of the persons for whom said warrants are drawn where same are presented to him.

Said resolution was agreed to.

Mr. Stewart offered the following resolution, viz.:

Whereas, By reason of the great delay in the printing and distribution of the bills and resolutions introduced in this House, and

whereas by reason thereof the respective committees and members are prevented from considering, passing upon and reporting the measures referred to them for consideration; and whereas this delay is annoying to the members and committees and expensive to the Commonwealth, and is retarding and embarrassing the great and important business of legislation; therefore be it

Resolved, That the sergeant at arms be and is hereby directed and empowered to employ an additional or assistant printer for such time as may be necessary to meet the purposes and objects of this resolution. Such additional or assistant printer shall print and return to this House with as much skill, facility and promptness as possible all such bills, resolutions or proceedings as may be directed to him for printing, and the cost of such printer shall be certified as a contingent expense of this House, and his charges for such printing shall not exceed that now paid the present printer, and his employment, compensation and duties hereunder shall cease when so notified by the sergeant at arms upon the order of this House of the Speaker thereof, and when the present printer shall have so dispatched the business before him as to enable him to print and return to this House promptly all bills, resolutions or other proceedings ordered to be printed by him.

Mr. Klair moved that said resolution be referred to the Committee on Judiciary.

Said motion was agreed to.

Mr. Southall offered the following resolution, viz.:

Resolved, That the clerk of the House certify to the Auditor of Public Accounts that the expenses of the members of the appropriation committee in visiting the E. K. L. A. were $17.80 (seventeen dollars and eighty cents), which amount shall be paid as a contingent expense of the House to the sergeant at arms of the House and be dispensed by him to the members of said committee.

Said resolution was agreed to.

Mr. R. W. Miller offered the following resolution, viz.:

Resolved, That the Board of Printing Commissioners be requested to communicate to the House of Representatives as promptly as possible so much of the public printing contract as relates to and affects the printing of the bills and resolutions of the two Houses of the General Assembly.

Said resolution was agreed to.

Mr. James S. Morris offered the following resolution, viz.:

A resolution authorizing suits for nuisance against the Commonwealth of Kentucky and the "Kentucky Confederate Home."

Whereas, It is claimed by several persons that by reasons of the carrying and emptying of sewerage from the Kentucky Confederate Home upon premises owned by other persons and into streams passing into and over the lands and near the residences of divers persons, thereby polluting the air and water and causing injury and damage to such persons.

Be it resolved by the General Assembly of the Commonwealth of Kentucky, That any persons claiming to be so injured and damaged are hereby authorized to bring and prosecute in the Oldham Circuit Court proper actions against said Kentucky Confederate Home and the Commonwealth of Kentucky for damages for said injuries, but the Commonwealth shall not be liable for costs in any such action in which the complainant fails to recover a judgment for damages.

Said resolution was ordered to be printed and lie over one day.

Mr. Denny offered the following joint resolution, viz.:

Whereas, The county of Larue, in the State of Kentucky, is the birthplace of Abraham Lincoln, whose character and achievements, "with malice toward none, with charity for all," have placed his name among the "few immortal names that were not born to die;" and

Whereas, The States of Connecticut, Delaware, Illinois, Minnesota, New Jersey, New York, North Dakota, Pennsylvania, Washington and Wyoming have made his birthday a legal holiday; and

Whereas, The true dignity and highminded patriotism of the State of Kentucky demand the recognition of her distinguished dead; therefore be it

Resolved by the General Assembly of the Commonwealth of Kentucky, That the 12th day of February, 1906, be observed by the General Assembly in a manner fitting and appropriate to do honor to her son, Abraham Lincoln, whose birthday it is; be it further

Resolved, That a committees of three members of the House of Representatives be appointed by the Speaker of the House of Representatives to wait upon the Governor of the Commonwealth of Kentucky and the Chief Justice of the Court of Appeals of the Commonwealth of Kentucky for the purpose of securing these distinguished gentlemen as speakers for the occasion.

Said resolution was ordered to be printed and lie over one day.

Leave of absence for an indefinite time was granted Messrs. Claybrooke, Blair, Byland, Shellman, Enlow and McKnight and Page Dudley Ragsdale.

Mr. Young called up from the clerk's desk for consideration a joint resolution, entitled

H. Res. 10. Resolution raising a joint committee to visit the county of Breathitt to investigate the conditions therein with reference to lawlessness existing or imminent and to report to the General Assembly.

(See Journal January 18th.)

Mr. Griffith offered an amendment thereto by way of substitute therefor.

Mr. Klair moved that said resolution be referred to the Committee on Judiciary.

Said motion was agreed to.

Mr. Klair moved that when this House adjourn to-day it be to meet on Monday next at 12 o'clock M.

Said motion was agreed to.

The House took up for consideration from the calendar, bills entitled

H. B. 8. An act to amend section 32 of the Criminal Code of Practice.

H. B. 33. An act to fix a tax on pardons for carrying concealed, deadly weapons.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with.

Ordered that said bills be placed in the orders of the day.

The House took up for consideration from the orders of the day

H. B. 9. An act to amend an act regulating the terms of courts in the Thirteenth Judicial Districts.

Said bill reads as follows, viz.:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section 965 of the Kentucky Statutes, article 2, chapter 35, be, and is hereby amended, in the paragraph headed "Thirteenth District," amended May 12, 1897, in the third line by adding after the word "May," "and continue 24 judicial days," and further in the same line the word "first" changed to "second" and the word "twenty-four" to "eighteen," and in the fourth line of said paragraph the word "third" changed to "second," and in the following

line the word "twelve" changed to "eighteen," and in the sixth line of said paragraph after the word "April" by adding the words "and continue eighteen judicial days," by changing the word "and" to "on" and "eighteen" to "twenty-four," so that the paragraph as amended shall read:

"Thirteenth District—Mercer county, at Harrodsburg, on the first Monday in February and continue eighteen judicial days; on the second Monday in May and continue twenty-four judicial days, and second Monday in October, and continue eighteen judicial days. Boyle county, at Danville, on the second Monday in January and continue eighteen judicial days, on the third Monday in April and continue eighteen eighteen judicial days; on the second Monday in September and continue twenty-four judicial days. Lincoln county, at Stanford, on the fourth Monday in February and continue twelve judicial days; on the second Monday in June and first Monday in November and continue eighteen judicial days each. Garrard county at Lancaster, on the second Monday in March and third Monday in August, and continue eighteen judicial days each, and fourth Monday in November and continue eighteen judicial days."

Ordered that said bill be read the third time.

Said bill was read the third time by its title, the provision of the Constitution as to the third reading of said bill at length being dispensed with and said bill was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | Taylor P. Gabbard, | John R. Ray, |
| Louis W. Arnett, | Lloyd W. Gates, | M. M. Redwine, |
| John Barr, | W. J. Gooch, | J. M. Robertson, |
| E. Barry, | A. J. Gorham, | Richard S. Rose, |
| B. O. Becker, | John C. Griffith, | J. T. Royalty, |

H. Kirby Bourne,
W. T. Cain,
M. F. Campbell,
N. B. Chipman,
Bennett Clarke,
J. W. Clay,
W. D. Claybrooke,
Sam. D. Cochran,
H. K. Cole,
W. H. Cole,
Henry M. Cox,
Ed. Croan,
Henry W. Curle,
Charles I. Dawson,
A. L. Denny,
Lawrence J. Diskin,
Thomas Drewry,
W. Reed Embry,
J. A. Frazier,
M. T. Freeman,
Paul Gullion,
James A. Hagan,
Albert Hamilton,
J. A. Hamon,
C. W. G. Hannah,
L. P. Head,
D. C. Hopper,
W. J. Jackson,
W. H. Jones,
Geo. D. Litsey,
H. M. McCarty,
M. H. McLean,
J. M. Mitchell,
V. W. Morris,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
C. M. Paynter,
S. M. Russell,
Emmet P. Slattery,
W. H. Southall,
Hub L. Stevens,
John A. Stevens,
George W. Stone,
D. P. Taggart,
C. C. Terry,
C. F. Thornton,
Harry Weitkamp,
T. A. Weldon,
John B. Wicker,
Geo. S. Wilson,
Wm. Wilt,
J. Hal Woodford,
W. T. Wright,
James G. Yaden.
J. A. Yates,
Will A. Young—73.

In the negative—none.

Resolved, That the title thereof be as aforesaid.

Mr. Embry moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

And then the House adjourned.

MONDAY, JANUARY 22, 1906.

The House was opened with prayer by Rev. Father T. M. Major, of the Roman Catholic church.

The Hon. Henry R. Lawrence, Speaker of the House, being unavoidably absent, the Hon. W. J. Gooch occupied the chair and presided as Speaker, pro tem., having been designated as such by the Speaker under the rules of the House.

The reading of the Journal of yesterday's proceedings was dispensed with, and same was approved.

The Speaker, pro tem laid before the House the following communication, viz.:

Louisville, Ky., January 17, 1906.

Hon. Henry Lawrence,
Speaker of the House of Representatives,
Frankfort, Ky.,

Dear Sir:—I am authorized and directed by the Board of Directors of the Kentucky Confederate Home to ask the Senate and House of Representatives to visit the Confederate Home in a body and see the great work that has been done for these old veterans. If this can not be done, then to have a committee from the Senate and the House make such visitation.

The home is so accessible, that the trip would be easy and pleasant, and as the Kentucky Confederate Home now ranks as the best institution of its kind in the South, the board of trustees believe that seeing it would be a source of gratification and pride to the Legislature of Kentucky, which created it and which sustains it for the noble purpose for which it is consecrated.

Yours truly,

BENNETT H. YOUNG.

Mr. McKnight moved that the invitation therein be accepted.

Said motion was agreed to.

The Speaker, pro tem, laid before the House the following communication, viz.:

Frankfort, Ky., January 22, 1906.

Hon. Henry R. Lawrence,

Speaker of the House of Representatives.

My Dear Sir:—I have the honor to invite the House of Representatives and its officers to attend the annual midwinter meeting of the Kentucky Press Association, which will be in session to-morrow and to-morrow evening at the Opera House in this city.

I would especially request attendance at the evening session, when the exercises will consist of two addresses; the first by Col. William Lightfoot, Visscher, the humorist, of Chicago, whose subject will be "Some Kentucky Reminiscences;" the second address by Mr. A. Y. Ford, of Louisville, who will speak from the topic, "Newspapers, Politicians and Machines."

Governor Beckham will preside at the evening session.

Respectfully,

E. A. GULLION,

President Kentucky Press Association.

Mr. McKnight moved that the invitation therein be accepted.

Said motion was agreed to.

Mr. R. W. Miller offered the following resolution, viz.:

Whereas, The Kentucky Press Association is to hold its midwinter meeting in the city of Frankfort, beginning on Tuesday, January 23, 1906, and

Whereas, We recognize the worth and merit of this great organization, which has done and is doing so much to build up and de-

velop our Commonwealth, always for law and justice, progress, peace and civic righteousness; be it

Resolved. That the privileges of the House be extended to the members of the said Kentucky Press Association during the session here.

Said resolution was agreed to.

A message was received from the Governor in writing as follows, viz.:

Executive Office,
Frankfort, Ky.

To the Senate and House of Representatives,

Gentlemen.—Under an act of the Pennsylvania Legislature of March, 1905, there has been called a Congress of delegates from all the States to meet in Washington, D. C., February 19 to 26, 1906, "for the purpose of examining, considering and discussing the laws and decisions of the several States upon the subject of divorce, with a view to the adoption of a draft for the proposed general law, which will be reported to the Governors of all the States for admission to the Legislatures thereof, with the object of securing as nearly as may be possible uniform statutes upon the matter of divorce throughout the nation." Under that act of the Pennsylvania Legislature and under the call made for this congress, the Governor of each State has been authorized to appoint three delegates "learned in the law." I am informed that nearly all of the States have appointed such delegates and it is my desire that Kentucky should also be represented in this congress. It is certainly very much to be desired that uniformity upon the laws of divorce should be obtained, and there is reason to hope that this convention may arrive at some satisfactory plans. In appointing delegates from Kentucky, I desire the co-operation of the Genral Assembly. It is my purpose to appoint Hon. John G. Carroll, of Henry county, the compiler of our codes and statutes, as a delegate,

and I believe it would be well that the Senate appoint one of its members and the House one of its members, and let the three members represent the State on that occasion. I think that there should be a resolution passed providing for the payment of expenses of these delegates.

Trusting that this matter may meet with your prompt and favorable consideration, I have the honor to be

Very respectfully,
J. C. W. BECKHAM,
Governor.

Said communication was read and referred to the Committee on Executive Affairs.

A message was received from the Senate announcing that they had concurred in a joint resolution which originated in the House, entitled

H. Res. 6. Resolution urging the Senators and Representatives from Kentucky in the Congress of the United States to use their efforts to secure improvements in the waterways in this Commonwealth.

(For resolution, see Journal, January 11th.)

With an amendment thereto.

The amendment proposed to said resolution by the Senate is as follows, viz.:

Amend by inserting in said resolution immediately preceding the last clause thereof, and following the sentence ending with the words "head waters," these words "that an adequate appropriation be secured to build a lock and dam in upper Green river, at or near Mammoth Cave, Ky., and to dredge and clear of timber and other obstruction; lower Bear Creek a tributary of Green river, which

will afford ten to fifteen miles of navigation and open for shipment and to commerce valuable timber, coal and asphalt.

Said amendment was concurred in.

Said resolution as amended was then adopted.

The House took up for consideration from the orders of the day a bill, entitled

H. B. 33. An act to fix a tax on pardons for carrying concealed, deadly weapons.

Said bill reads as follows, viz.:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That all persons who have been convicted and are pardoned of the offense of carrying concealed a deadly weapon upon and about his person shall pay a tax of one hundred dollars to the Commonwealth of Kentucky before said pardon is signed by the Governor.

Ordered that said bill be read the third time.

Said bill was read the third time by its title, the provision of the Constitution as the third reading of said bill at length being dispensed with.

The question was taken on the passage of said bill and it was decided in the negative.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| E. Barry, | Albert Hamilton, | J. M. Robertson, |
| Joe F. Bosworth, | L. F. Johnson, | Richard S. Rose, |
| Bennett Clarke, | W. H. Jones, | J. T. Royalty, |
| Sam. D. Cochran, | Wm. F. Klair, | J. T. Scott, |

| | | |
|---|---|---|
| H. K. Cole, | Geo. D. Litsey, | Emmet P. Slattery, |
| Ed. Croan, | H. M. McCarty, | W. W. Smith, |
| Charles I. Dawson, | Virgil McKnight, | Zeb. A. Stewart, |
| A. L. Denny, | R. W. Miller, | C. F. Thornton, |
| J. A. Frazier, | V. W. Morris, | John B. Wicker, |
| Lloyd W. Gates, | Ion B. Nall, | Wm. Wilt, |
| W. J. Gooch, | C. M. Paynter, | J. Hal Woodford, |
| B. P. Grigsby, Sr., | John R. Ray, | James C. Yaden—38. |
| W. C. Halbert, | M. M. Redwine, | |

Those who voted in the negative were—

| | | |
|---|---|---|
| J. M. Alverson, | M. T. Freeman, | W. J. Osborne, |
| Louis W. Arnett, | Taylor P. Gabbard, | S. M. Russell, |
| John Barr, | A. J. Gorham, | W. H. Southall, |
| W. G. Baxter, | H. H. Griffin, | John A. Stevens, |
| B. O. Becker, | J. A. Hamon, | George W. Stone, |
| H. Kirby Bourne, | C. W. G. Hannah, | D. P. Taggart, |
| J. C. Byland, | D. C. Hopper, | C. C. Terry, |
| W. T. Cain, | W. J. Jackson, | A. J. Thompson, |
| M. F. Campbell, | M. H. McLean, | Harry Weitkamp, |
| N. B. Chipman, | Henry C. Miller, | T. A. Weldon, |
| W. H. Cole, | J. M. Mitchell, | Geo. S. Wilson, |
| Henry W. Curle, | James S. Morris, | J. T. Wilson, |
| W. Reed Embry, | Ed. Mulcahy, | J. A. Yates—39. |

And so said bill was rejected.

Mr. Thompson moved that the vote by which said bill was rejected be reconsidered, and the said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the orders of the day, a bill entitled

H. B. S. An act to amend section thirty-two (32) of the Criminal Code of Practice.

Said bill reads as follows, viz.:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section 32 of the Criminal Code of Practice be amended by striking out the whole of said section, which reads as follows:

"A magistrate, if satisfied that a felony has been committed, shall have power to summons before him any person he may think proper for examination on oath concerning it, to enable him to ascertain the offender and to issue a warrant for his arrest. (A magistrate, if satisfied that any public offense has been committed, shall have power to summons before him any person he may think proper for examination on oath concerning it, to enable him to ascertain and to issue a warrant for his arrest.")

By substituting in lieu thereof the following:

"That any county judge, justice of the peace, or police judge, may, at any time when he is satisfied the laws of the Commonwealth of Kentucky are being violated, shall have power to summon before him any person or persons he may think proper for examination on oath concerning such violations of the law, and may compel the attendance of such person or persons before him, and compel such witness or witnesses to answer all questions propounded, or he may punish said witness or witnesses for contempt of court for failure to attend or for failure to answer any and all questions put to him or her, and he may issue warrants of arrest for the person or persons shown to have violated the law by the testimony of said witnesses so examined before him.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | John C. Griffith, | J. T. Royalty, |
| John Barr, | B. P. Grigsby, Sr., | S. M. Russell, |
| E. Barry, | W. C. Halbert, | J. T. Scott, |
| B. O. Becker, | Albert Hamilton, | Emmet P. Slattery, |
| Joe F. Bosworth, | C. W. G. Haanah, | W. H. Southall, |
| H. Kirby Bourne, | D. C. Hopper, | John A. Stevens, |
| J. C. Byland, | W. J. Jackson, | Zeb. A. Stewart, |
| W. T. Cain, | W. H. Jones, | George W. Stone, |
| M. F. Campbell, | Geo. D. Litsey, | D. P. Taggart, |
| Bennett Clarke, | H. M. McCarty, | C. C. Terry, |
| Sam. D. Cochran, | Virgil McKnight, | A. J. Thompson, |
| H. K. Cole, | M. H. McLean, | C. F. Thornton, |
| Ed. Croan, | R. W. Miller, | Harry Weitkamp, |
| Henry W. Curle, | J. M. Mitchell, | T. A. Weldon, |
| W. Reed Embry, | V. W. Morris, | John B. Wicker, |
| J. A. Frazier, | James S. Morris, | Geo. S. Wilson, |
| M. T. Freeman, | Ed. Mulcahy, | J. T. Wilson, |
| Taylor P. Gabbard, | Ion B. Nall, | Wm. Wilt, |
| Lloyd W. Gates, | W. J. Osborne, | J. Hal Woodford, |
| W. J. Gooch, | C. M. Paynter, | James C. Yaden, |
| A. J. Gorham, | John R. Ray, | J. A. Yates—65. |
| H. H. Griffin, | J. M. Robertson, | |

Those who voted in the negative were—

| | | |
|---|---|---|
| J. M. Alverson, | A. L. Denny. | M. M. Redwine, |
| W. G. Baxter, | L. F. Johnson, | Richard S. Rose, |
| W. H. Cole, | Henry C. Miller, | W. W. Smith—10. |
| Charles I. Dawson, | | |

Resolved, That the title thereof be as aforesaid.

Mr. Terry moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said last-named motion was agreed to.

Leave of absence for an indefinite time was granted Mr. Cox.

And then the House adjourned.

TUESDAY, JANUARY 23, 1906.

The House was opened with prayer by Rev. Father Major, of the Roman Catholic church.

The reading of the Journal of yesterday's proceedings was dispensed with and the same was approved.

Upon the call of the counties and Representative districts, the following bills were introduced, ordered to be printed and referred, viz.:

By Mr. Paynter:

H. B. 272. An act to restrict and regulate the sale of poisons and narcotics in this State.

Referred to the Committee on Public Health.

By Mr. Griffith:

H. B. 273. An act relating to nuisances, etc.

Referred to Committee on Kentucky Statutes.

By Mr. Klair:

H. B. 274. An act further amending section 8 of article 9 of an act approved March 19, 1894, entitled An act for the government of cities of the second class in the Commonwealth of Kentucky.

Referred to Committee on Municipalities.

By Mr. Wicker:

H. B. 275. An act allowing persons to give bond to work out their fines in their road precinct.

Referred to Committee on Kentucky Statutes.

By Mr. Bourne:

H. B. 276. An act to regulate and control the appointment or

elections of persons to officers or places of trust or profit by boards or bodies of public officers.

Referred to Committee on Judiciary.

By Mr. McCarty:

H. B. 277. An act to provide for the care and protection of live stock while confined in pens adjacent to railroads and navigable streams.

Referred to Committee on Corporate Institutions.

By Mr. Smith:

H. B. 278. An act providing for the execution of criminals in the State of Kentucky when the death penalty is imposed by the judgment of the court.

Referred to Committee on Criminal Law.

By same:

H. B. 279. An act to repeal an act providing for the election in cities of the first class by the general council of one live stock inspector.

Referred to Committee on Municipalities.

By Mr. Simmons:

H. B. 280. An act qualifying the risks to be deemed as assumed by employes.

Referred to Committee on Judiciary.

By same:

H. B. 281. An act to provide for an appeal to the court of appeals in a proceeding for a writ of habeas corpus.

Referred to Committee on Judiciary.

By Mr. McLean (by request):

H. B. 282. An act to make uniform the salary paid circuit

judges and to fix the same at $5,000 after the 31st day of December, 1909.

Referred to Committee on Circuit Courts.

By Mr. Rose:

H. B. 283. An act to prevent persons under arrest or while imprisoned for any public offense or on any public charge by either warrant, suspicion or indictment or under conviction in any court from being killed, injured by mob violence or otherwise unlawfully and prescribing punishment therefor. Action for damages to person so injured.

Referred to Committee on Criminal Law.

By same:

H. B. 284. An act to amend article 1 of chapter 110 of Kentucky Statutes, Carroll Edition, 1903, entitled "Roads and Passways," providing that fiscal court may prescribe amount of work lawful road hands who own teams are required to do. Duty of overseers and punishment for failure of hands or overseers to do their duty as prescribed by this act.

Referred to Committee on Kentucky Statutes.

By same:

H. B. 285. An act to amend article 1 of chapter 110, Kentucky Statutes, Carroll Edition, 1903, entitled "Roads and Passways," establishing public road institutes and prescribing punishment for overseers failing to attend same and further prescribing punishment for failure of county judge to do his duty as set out in this act.

Referred to Committee on Kentucky Statutes.

By Mr. Enlow:

H. B. 286. An act to amend an act as amended by an act of

March 20, 1902, entitled An act to regulate the practice of pharmacy in the Commonwealth, which became a law March 25, 1898.

Referred to Committee on Public Health.

By Mr. Yaden:

H. B. 287. An act to transfer the town of London, Laurel county, from the sixth to the fifth class.

Referred to Committee on Classification of Cities and Towns.

By same:

H. B. 288. An act to secure to women the right to vote at special elections held to determine whether the sale of intoxicating liquors as a beverage shall be prohibited.

Referred to Committee on Suffrage and Elections.

By Mr. Barry:

H. B. 289. An act to amend section 2569, chapter 81, of the Kentucky Statutes, known as the local option law.

Referred to Committee on Public Morals.

By Mr. R. W. Miller:

H. B. 290. An act to prohibit influences of agents, employes or servants.

Referred to Committee on Judiciary.

By same:

H. B. 291. An act to regulate the employment of legislative counsel and agents and to provide for the return of legislative expenses.

Referred to Committee on Judiciary.

By same:

H. B. 292. An act to further regulate life insurance companies doing business in this State.

Referred to Committee on Insurance.

By same (by request):

H. B. 293. An act to provide for a monument upon the battlefield of Shiloh.

Referred to Committee on Public Monuments and Historical Records.

By Mr. Head:

H. B. 294. An act to amend so much of section 925, Kentucky Statutes, as relates to the holding of courts in the Second Judicial District.

Referred to Committee on Circuit Courts.

By same:

H. B. 295. An act to supplement the salary of circuit judges in counties containing cities of the second class.

Referred to Committee on Circuit Courts.

By Mr. James S. Morris:

H. B. 296. An act relating to the taxation of costs and fees.

Referred to Committee on Court of Appeals.

By Mr. Russell:

H. B. B. 297. An act to make certain contracts and agreements legal and enforceable by law.

Referred to Committee on Agriculture.

By same:

H. B. 298. An act to make dying declarations admissible in certain actions.

Referred to Committee on Judiciary.

By Mr. Robertson:

H. B. 299. An act providing for the examination of banks, trust companies and building and loan associations.

Referred to Committee on Banks and Banking.

By Mr. Klair:

H. B. 300. An act to make it unlawful to present plays in this Commonwealth.

Referred to Committee on Public Morals.

By Mr. Johnson:

H. B. 301. An act to authorize the fiscal court in counties where public roads are maintained in whole or in part by taxation to levy a vehicle tax and fixing the rates.

Referred to Committee on Revenue and Taxation.

A message was received from the Senate, announcing that they had adopted a joint resolution, entitled

S. Res. —. Resolution regulating the printing of bills.

Which was read and ordered to lie over.

Leave of absence for an indefinite time was granted Mr. Yates.

Mr. James S. Morris called up for consideration from the clerk's desk a joint resolution heretofore introduced by him, entitled

H. Res. 11. Resolution authorizing suits for nuisances against the Commonwealth of Kentucky, and the Kentucky Confederate Home.

(See House Journal January 19th.)

Mr. James S. Morris moved that said resolution be printed and referred to the Committee on Kentucky Statutes.

Said motion was agreed to.

Mr. Denny called up for consideration from the clerk's desk a joint resolution heretofore introduced by him, entitled

H. Res. 12. Resolution providing for the observance of the 12th day of February, in commemoration of the birth of Abraham Lincoln.

(See House Journal January 19th.)

Said resolution was read and adopted.

The committees to which the same had been referred, reported bills of the following titles, viz.:

By Mr. Simmons, of the Committee on Judiciary:

H. B. 3. An act to amend section 2118 of the Kentucky Statutes, title "Husband and Wife."

By Same:

H. B. 31. An act to regulate the manner of taking testimony in suits for divorce, and to provide for the payment of costs therein.

By Same:

H. B. 38. An act to amend section 2117 of the Kentucky Statutes.

With the expression of opinion, that said bills ought not to pass.

The question being taken separately, upon ordering said bills to a reading, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bills were rejected.

By Mr. Simmons, of the Committee on Judiciary:

H. B. 63. An act relating to registration in towns of the fifth and sixth classes, amending section 1486 of Kentucky Statutes by striking out the words "fifth and sixth."

By Mr. McLean, of the Committee on Municipalities:

H. B. 44. An act to amend section 31 of article 4 of an act, entitled An act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894, said section being section 3101 of the Kentucky Statutes, 1903.

By Same:

H. B. 45. An act to amend and re-enact section 22 of article 4 of an act, entitled An act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894, said section being section 3096 of the Kentucky Statutes, 1903.

By Same:

H. B. 48. An act to amend and re-enact section 27 of article 4 of an act, entitled An act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894, being section 3101 of the Kentucky Statutes.

By Same:

H. B. 77. An act amending section 1055 of the Kentucky Statutes of the edition compiled by Hon. John D. Carroll, and issued in 1903.

With an amendment thereto.

By Mr. Bosworth of the Committee on Cities and Towns of the Fourth, Fifth and Sixth Classes.

H. B. 50. An act to repeal the charter of Elizaville, Fleming county, Kentucky.

By Same:

H. B. 61. An act relating to annulling charters of towns of the sixth class.

By Mr. Croan, of the Committee on Agriculture:

H. B. 20. An act to promote the sheep industry and provide a tax on dags.

By Mr. Mulcahy, of the Committee on Public Monuments and Historical Records:

H. B. 43. An act appropriating $20,000 for repairs of monument of Henry Clay, and providing for a suitable statue to surmount same.

With an amendment thereto.

Said bills were severally read the first time in full and ordered to be placed on the calendar.

Mr. Terry offered the following resolution, viz.:

Whereas, Preston H. Leslie, ex-Governor of this Commonwealth, a distinguished statesman, gentleman, patriot and honored citizen, is now visiting his native State, Kentucky; and

Whereas, this body recognizing the statesmanship and patriotism of our distinguished friend, and wishing to do him homage; therefore be it

Resolved by the House of Representatives, That our honorable friend, Governor Preston H. Leslie, of the State of Montana, be invited to visit and address this body during its present session, and that a committee be appointed by the Speaker to communicate with him as to time and date of his visit to this House.

Said resolution was agreed to.

Thereupon the Speaker, pro tem., appointed as the committee provided for therein Messrs. Terry, McKnight and Bosworth.

And then the House adjourned.

WEDNESDAY, JANUARY 24, 1906.

The House was opened with prayer, by Rev. Father T. M. Major, of the Roman Catholic church.

Mr. W. J. Gooch, Speaker, pro tem., in the chair and presiding.

The reading of the Journal of yesterday's proceedings was dispensed with, and same was approved.

Mr. Rose offered the following resolution, viz.:

Whereas, Rule 57 is in conflict with Rule 62 that was reported by the commitee on rules for the government of the House for the present session; and, whereas, it is firmly believed that Rule 62 is subversive of the best interest of the House in many instances; now therefore be it

Resolved by the House, That the rules of the House as reported by the committee on rules on the — day of January, 1906, and adopted by the House on the — day of January, 1906, be and the same is hereby amended by striking Rule 62 from said book of rules.

Which was read and referred to the Committee on Rules.

Mr. Disken offered the following joint resolution, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That whereas the development of the resources of this Commonwealth will be furthered by freedom and equality in transportation facilities, unhampered by monopolistic influences; therefore be it

Resolved, That the General Assembly of the Commonwealth of Kentucky respectfully petition the Congress of the United States of America to adopt some measure providing for the regulation of railroad rates; be it further

Resolved, That the Senators and Representatives in Congress

from this Commonwealth be, and they are hereby requested to use all honorable means to secure the passage of such measure.

Mr. McKnight called up for consideration from the clerk's desk a joint resolution, entitled, viz.:

S. Res. 9. Resolution regulating the printing of bills, etc.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky, That the public printer shall print and have upon the desks of members within five days from this date all bills that have now been introduced into either House and that hereafter he shall print all bills introduced within three days from their introduction, and if said printer shall fail to act as above stated, the joint committee on printing of the two Houses shall have the bills printed elsewhere, and the cost of said printing shall be deducted from the pay of the public printer.

Said resolution was read and concurred in.

A message was received from the Senate announcing that they had passed a bill, entitled

S. B. 34. An act to amend section 1155, Kentucky Statutes.

Ordered that said bill be printed and referred to the Committee on Judiciary.

The committees to which the same had been referred reported bills as follows, viz.:

By Mr. Simmons of the Committee on Judiciary:

H. B. 82. An act to provide for the payment of interest and to create a sinking fund for the ultimate redemption of county bonds issued for the benefit of certain turnpike road taxing districts.

With an amendment thereto.

By Same:

H. B. 60. An act amending section 1 of an act to prevent the adulteration, mixing and misbranding orchard grass seed, and other seed by including timothy seed and fixing a punishment therefor.

With an amendment thereto.

By Mr. H. K. Cole, of the Committee on Internal Improvements:

H. B. 39. An act to amend section 2 of an act empowering the county courts of this Commonwealth to authorize the drainage of lands when same shall be conducive to the public health or convenience of its inhabitants, approved March 23, 1900, same being article 8, chapter 76, Kentucky Statutes.

By Same:

H. B. 41. An act to amend section 1 of an act, empowering the county courts of this Commonwealth to authorize the drainage of lands where the same shall be conducive to the public health or convenience of its inhabitants, approved March 23, 1900, sace being article 8, chapter 76, Kentucky Statutes.

By Same:

H. B. 2. An act to amend section 4313, Kentucky Statutes, title "Public Roads."

Said bills were severally read the first time in full and ordered to be placed on the calendar.

By Mr. McLean, of the Committee on Municipalities:

H. B. 47. An act to amend sections 9, 11 and 13 of an act, entitled An act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894, said sections being 3050, 3052 and 3054, respectively, of the Kentucky Statutes.

With an amendment thereto by way of substitute therefor.

Said bill was read the first time in full and ordered to be placed on the calendar.

Mr. Simmons moved that said substitute as proposed by the committee be ordered printed.

Said motion was disagreed to.

The House took up for consideration from the calendar bills as follows, viz.:

H. B. 63. An act relating to registration in towns of fifth or sixth classes, amending section 1486 of Kentucky Statutes, by striking out the words "fifth and sixth."

Ordered that said bill be read the second time.

The Constitutional provision as to the second reading of said bill at length being dispensed with, said bill was read the second time by its title.

Mr. Cochran moved that said bill be recommended to the Committee on Judiciary.

Said motion was disagreed to.

Ordered that said bill be placed in the orders of the day.

H. B. 44. An act to amend section 31 of article 4 of an act, entitled An act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894, said section being section 3105 of the Kentucky Statutes, 1903.

H. B. 45. An act to amend and re-enact section 22 of article 4 of an act, entitled An act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894, said section being section 3096 of the Kentucky Statutes, 1903.

H. B. 48. An act to amend and re-enact section 27 of article 4 of an act, entitled An act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894, being section 3101 of the Kentucky Statutes.

H. B. 77. An act amending section 1055 of Kentucky Statutes of the edition compiled by Hon. John D. Carroll and issued in 1903.

H. B. 50. An act to repeal the charter of Elizaville, Fleming county, Kentucky.

H. B. 61. An act relating to annulling charters of towns of the sixth class.

H. B. 20. An act to promote the sheep industry and provide a tax on dogs.

H. B. 43. An act appropriating $20,000 for repairs to monument of Henry Clay, and providing for a suitable statue to surmount same.

Ordered that said bills be severally read the second time.

The provision of the Constitution as to the second reading of said bills at length being dispensed with, said bills were severally read the second time by their titles and ordered to be placed in the orders of the days.

The Speaker, pro tem., laid before the House the following communication from the Board of Printing Commissioners, viz.:

Commonwealth of Kentucky,

Office of Secretary of State,

To the Members of the House of Representatives:

Gentlemen:—As the custodian of the records of the board of printing commissioners I am directed by the board, pursuant to your resolution of the 19th inst., to transmit to you copy of the contract, advertisement, bid and bond of the printer now holding the contract for first class printing, this being the class which includes the printing of bills, resolutions, etc., of the General Assembly, which copy I herewith attach and submit.

Witness my hand, this January 23, 1906.

H. V. McCHESNEY,

Secretary of State.

Commonwealth of Kentucky.

This contract made and entered into by and between the Commonwealth of Kentucky, by its commissioners of public printing,

party of the first part, and George G. Fetter Printing Co., of Louisville, Kentucky, party of the second part, witnesseth: That the party of the first part in consideration of the bid and bond of the party of the second part filed on the 12th day of November, 1903, offering to execute for the Commonwealth of Kentucky the printing and binding of the first class according to the terms and conditions of the advertisement under which said bid was made and received, a copy of which advertisement is hereto attached, and in accordance with said bid which is also hereto attached, which work is to be done in accordance with an act approved June 20, 1893, entitled "An act to provide how the printing and binding and stationery of the State shall be furnished," has let the said work of printing and binding of the first-class to the party of the second-class, and in consideration of said award and the bid and bond of the party of the second part hereto attached, the party of the second part hereby agrees and undertakes that it will promptly and skillfully and tastefully perform the work bid for according to law and to the terms, conditions and limitations of the advertisement under which said bid was made and accepted at the prices named and upon the terms contained in its written bid. The aforesaid bond and bid and copy of said advertisement which are hereto attached are made part hereof as fully as if set out at length herein. This contract shall remain in force from the last Monday in January, 1904, until the first Monday in January, 1906, unless annulled according to law.

In witness whereof, the party of the first part, by the chairman of its board of public printing, and the party of the second part have hereunto subscribed their names, this 29th day of December, 1903.

J. C. W. BECKHAM, Governor.
Chairman Board of Public Printing of the Commonwealth of Kentucky.
GEO. G. FETTER PRINTING CO., Contractor.
By Geo. G. Fetter, President.

Attest: C. B. HILL, Secretary of State.

FOR PUBLIC PRINTING AND BINDING.

Sealed proposals will be received at the office of the Secretary of State, until noon Thursday, November 12, 1903, for the executing of the several classes of the public printing and binding in separate contracts, and for furnishing paper, envelopes and stationery for the term of two years from and after the first Monday in January, next ensuing, at a certain rate per centum, not to exceed the rate specified in the law, including the furnishing of the paper for election ballots and its delivery to the several clerks under the provision of the act of the General Assembly passed at the extraordinary session 1900, which act was approved October 16, 1900.

The law governing the public printing and binding and furnishing stationery for the State is embraced in the act of June 10, 1893, chapter 105 Kentucky Statutes, and in the act last above referred to.

A bond for $10,000.00 must accompany each bid. Solvent guarantee companies will be accepted in lieu of personal security.

Blanks for bidding may be obtained at the office of Secretary of State, Frankfort, Ky., and on each bid shall be indorsed on the outside of the envelope containing it with the name of the bidder and marked "Proposals for the Public Printing and Binding and Furnishing Stationery," September 29, 1903.

J. C. W. BECKHAM, Governor,
Chairman.
GUS. C. COULTER, Auditor.
S. W. HAGER, Treasurer.
C. B. HILL, Secretary of State,
Commissioners.

BID
for the
PRINTING AND BINDING OF THE FIRST CLASS.

To the Commissioners of Public Printing, Binding, Etc.:

The undersigned Geo. G. Fetter Printing Co., of Louisville,

Ky., propose to execute for and furnish the State for two years from the first Monday in January, 1902, with all the printing, binding, etc., in what is known as the "First Class," under an act, entitled "An act to provide how the printing, binding and stationery used by the State shall be furnished," approved June 20, 1893, at the common rate per centum of 18 per cent. of the schedule of prices fixed in said act for the work in this class and subject to all the conditions of said law and the requirements of the advertisement under which those bids are made and received.

And also for the following work not specifically provided by said act, we bid as follows:

For stitching with thread, wire or fasteners such pamphlets, bills, etc., as do not require covers, per hundred ..... $0 10

For stringing the dockets of the Court of Appeals, per hundred ..... 25

For making into pads of any size, per thousand sheets ..... 25

We agree to have any portion of the work executed at Frankfort that may be required by the commissioners of public printing. We accompany this bid with a bond of ten thousand dollars, as required by said act.

In witness whereof we have hereunto subscribed our names, this 11th day of November, 1903.

GEO. G. FETTER PRINTING CO.

Geo. G. Fetter, President.

BOND.

Whereas, Geo. G. Fetter Printing Co., of Louisville, Ky., is a bidder for the contract to furnish the Commonwealth of Kentucky with printing and binding, etc., known under the law as first-class, for the term of two years from and after the first Monday in January, 1904.

Now, therefore, we, Geo. G. Fetter Printing Co., of Louisville, Ky., principal, and American Bonding Company, of Baltimore, sureties bind ourselves to the Commonwealth of Kentucky in the

penal sum of ten thousand ($10,000) dollars, that in the event the bid of said Geo. G. Fetter Printing Co., for printing and binding, etc., of the first class is accepted, said Geo. G. Fetter Printing Co. shall enter into contract promptly, faithfully and skillfully to perform the work bid for in accordance with the law, and we further bind ourselves that in case said Geo. G. Fetter Printing Co. shall refuse or neglect to accept said contract after it has been allotted to them at their bid, then the said Geo. G. Fetter Printing Co., principal, and American Bonding Co., of Baltimore, surety, shall pay the difference between the amount of the bid of the principal herein and the amount of the bid of the person to whom the same shall be awarded after suh refusal or neglect as provided by law.

Given under our hands, this 11th day of November, 1903.

GEO. G. FETTER PRINTING CO.

By Geo. G. Fetter, President.

Witness, J. W. GROSS.

AMERICAN BONDING COMPANY, OF BALTIMORE,

Seal. By Tracy Underhill,

Its Attorney in Fact.

State of Kentucky,

County of Jefferson.

This day personally appeared before me Geo. G. Fetter, President of the Geo. G. Fetter Printing Co., and Tracy Underhill, Attorney in fact principal and sureties in the foregoing bond and each acknowledged that he signed said bond without other condition, limitation or qualification than is expressed in the body thereof. And I certify that each surety swore that he was worth the amount set opposite his name herein over and above all exemptions and liabilities. GEO. G. FETTER PRINTING CO., $50,000.

AMERICAN BONDING COMPANY, $1,000,000.

Given under my hand and seal, this 11th day of November, 1903,

W. S. BARKER, JR.,

Notary Public, Jefferson County, Ky.

Seal. My commission expires February 26, 1906.

Mr. Klair moved that said communication be referred to the Committee on Judiciary.

Said motion was agreed to.

Leave of absence for an indefinite time was granted Mr. Cochran.

Mr. Klair moved that the House do now adjourn until to-morrow morning at 11 o'clock.

Said motion was agreed to.

## THURSDAY, JANUARY 25, 1906.

The House was opened with prayer by Rev. J. N. Ison, pastor of the Methodist Episcopal church, South.

Mr. W. J. Gooch, Speaker, pro tem., in chair and presiding.

The reading of the Journal of yesterday's proceedings was dispensed with, and the same was approved.

Mr. Disken presented the petition of the Newport Turngemeinde, asking certain changes in the revenue bill.

(H. B. 1.) Now pending before the House.

Which was received, the reading thereof dispensed with and was referred to the Committee on Revenue and Taxation.

Mr. Alverson offered the following resolution, viz.:

Resolved, That the Speaker of this House be empowered and directed to appoint a suitable member of this House to represent the lower branch of the General Assembly at the National Congress on Divorce Laws to be held in Washington in February, 1906.

Mr. McKnight offered the following amendment to said resolution by way of substitute therefor, and spoke briefly in its favor.

The committee on executive affairs to whom was referred the communication from the Governor relating to the conference proposing uniform divorce laws, beg leave to report to the House that the following resolutions should be adopted:

Resolution 1. The House believe in the necessity of speedy divorce laws that shall be uniform in the United States.

Resolution 2. That the House heartily approve of the proposed conference to be held in the city of Washington and commends the Governor for the position he has taken.

Resolution 3. That it thanks the Governor for his courteous and gracious act in inviting the House to join him in naming delegates to said conference, and availing itself of the courtesy recommends the name of the Hon. R. W. Miller as its choice for said delegate.

Resolution 4. That a copy of these resolutions be transmitted by the clerk to the Governor for his action and approval.

J. A. HAMON,
LLOYD W. GATES,
J. T. WILSON,
ED. CROAN,
ION B. NALL,
CHAS. C. BEARD,
A. L. DENNY,
JAMES A. FRAZIER,
VIRGIL McKNIGHT.

Said substitute amendement was agreed to.

Said resolution as amended by the substitute was agreed to.

Mr. Halbert offered the following resolution, viz.:

Resolved by the House of Representatives, That the clerk of the

House be and he is hereby empowered and authorized to draw a warrant on the Auditor of Public Accounts for the sum of $75 in favor of John C. Griffiths, of Breathitt county, in settlement of the amount allowed the said Griffith for his attorney's fee and expenses in the contested election of J. P. Muncey against said Griffith to be paid out of the contingent fund of the House.

Which was agreed to.

Mr. Byland of the board drawn selected and sworn to try the contest for the right to a seat in this House as Representative from the Fiftieth Representative District, which is in the city of Louisville wherein B. E. Neal is contestant and W. G. Baxter is contestee, presented the following report of a majority of said board, viz.:

As a board of contest herein selected by the House of Representatives of the State of Kentucky, the undersigned beg leave to make the following report after a careful and impartial consideration of said case.

Realizing the great responsibility and the arduous duties that have been imposed upon us, we have endeavored to examine thoroughly all the law and evidence that have been presented to us upon the side of both the contestant and contestee in as short a space of time as possible. Each and every member of this board has considered the law and evidence in this case as we were sworn to do, free from any bias and prejudice whatsoever and have rendered our decision according to our individual honest and conscientious belief.

The board first considered the testimony hearing of the charge of conspiracy. While much testimony was presented tending to show frauds, intimidation, repeating and improper registration in many parts of the city outside the Fiftieth District, the board did not attach much significance to this testimony as bearing on the situation in the Fiftieth District.

The board read and considered the greater part of the testimony offered on behalf of the contestant in support of his charges as to the conduct of the election in this district and all the testimony

offered by contestee on this point. Testimony was introduced by the contestant which conduced to show violations of the election law by methods of fraudulent registration, repeating, forged registration certificates, interference with voters and challengers and inspectors of the Fusion ticket, rough handling of citizens in the vicinity of the polls and various other acts of intimidation on the part of the police. Much of this testimony is controverted and it can not be said that all the charges of this nature are satisfactorily made out. In our opinion, however, many of these improper acts charged as committed in the Fiftieth District are shown to have been committed.

In addition to these facts, the existence of which may be said to have been established by fair preponderance of the evidence, certain grave irregularities in the conduct of the election are substantially admitted in the proof. It is not denied that the Democratic clerk in precinct 25 of the tenth ward took the poll book and election paraphernalia and kept them away from the polls, and that no one was able to vote in this precinct, where the voters registered were 271, of whom contestant claims 209 were entitled to vote. In precinct 27 of the tenth ward, with a registered vote of 233, the ballots were burned and no returns were made. In precinct 28 of the tenth ward the Democratic judge accompanied nearly all of 82 men who came from the home for aged men into the booth. In precinct 29 of the tenth ward 48 ballots were mutilated during the count by one acting for the Democratic clerk.

The board of contest finds after considering all these facts in the light of the decisions of our Court of Appeals that it can not be said that a free and equal election was held for Representative in the Fiftieth Legislative District on November 7, 1905. The most recent expression of the court touching these questions is found in the case of Early, et al. v. Rains, et al., decided November 15, 1905. In that case where there was an omission to provide a special registration previous to a local option election, by reason of which a number of persons entitled to vote at said election were prevented

from doing so, it was held that the election was void, even though the number of persons thus deprived if counted for the unsuccessful side was not large enough to affect the result.

The court in the course of its opinion said that it did not constitute a free and fair election to afford a majority of the legal voters an opportunity to vote, but that all legal voters should have that privilege and right. When this right is denied to a substantial extent the courts can not after an election endeavor to ascertain just how many of those entitled to vote did so or had an opportunity to do so, nor to ascertain what might have been the result if those entitled, but denied had voted; that it would not do to speculate as to how the voter, if permitted to cast his vote, would have voted. Consequently the court held that the failure substantially to comply with the law invalidated the election and that no legal election was held.

This board desires it thoroughly understood that no one of its members consider the contestee W. G. Baxter, guilty of the slightest participation in or knowledge of the frauds committed in this election.

In conclusion we report that the record shows that no election was held in the Fiftieth Legislative District in the city of Louisville on November 7, 1905, and recommend that neither the contestant nor the contestee receive any allowance for expenses or costs incurred herein.

J. C. BYLAND, Chairman,
ROBERT C. SIMMONS,
HARRY WEITKAMP,
L. W. ARNETT.

Mr. Mulcahy of said board presented the following report of the minority of said board as a substitute for the said report of the majority, viz.:

B. E. Neal, Contestant v. W. G. Baxter, Contestee.

The undersigned members of the committee selected to try the

above styled contest would respectfully report that they have given the record in this case a careful and thorough examination. The undersigned have no hesitancy in saying that there is not a scintilla of testimony in the record which proves that a conspiracy existed to deprive contestant of any votes, or to in any manner change or affect the election. From the certificate of election it appears that the contestee received twelve hundred and forty-four (1,244) votes, and the contestant seven hundred and thirty-eight (738), giving the contestee a majority of 506 votes in the district.

In the Twenty-fifth precinct of the Tenth ward for some reason the clerk of the election failed to appear with the ballots and no election was held in that precinct. There is no testimony showing that contestee had anything to do with this or that any friend or supporter of his had anything to do with the failure of the clerk to appear with the ballots. It is claimed by contestant that if there had been an election in that precinct he would have received a majority of 150 votes. Of course such a statement is mere guess work, based upon no solid foundation, and can not be entitled to much weight, but assuming that to be true, then that would reduce the contestee's majority from 506 to 356.

In the twenty-seventh precinct of the tenth ward it is said that after the election was over and the ballots counted, they were thrown into the fire by one of the officers of the election. Why this was done does not satisfactorily appear. It was certainly not done at the instigation of contestee, or with his knowledge or connivance. Nor does it appear that he was in any wise benefited thereby. The vote had been counted, the ballots had been strung and tied and were then thrown into the fire by one of the officers. The only reason that can be assigned for this is that the officer supposed that after the ballots were counted they were to be burned as the law provided prior to 1900. It is claimed that at this precinct the contestant received 100 majority over contestee. As a matter of fact the returns of the election officers in that precinct show that he received a majority of twenty-seven votes. But

conceding to him the majority of 100 votes in that precinct, which he claims, that would still leave contestee's majority in the district 256 votes.

It is said that in another precinct forty-eight ballots were spoiled while being counted. The proof upon this is not entirely clear, and the undersigned hold that the committee of the House can not indulge in the presumption that the ballots were changed for a fraudulent purpose, or that all changes made were made in favor of the contestee. But giving the contestant the benefit of his claim there and deducting forty-eight votes from contestee's majority he would still have a majority of 208.

There is in this record no satisfactory evidence, or any evidence, that would sustain for a moment in a court, showing or tending to show that there was any organized police intimidation or violence or organized fraud of any kind or character upon election day. Nor is there the slightest proof in the record showing that contestee had anything to do with any irrelularities that may have occurred. That there were some irregularities the undersigned committee concede, but that such irregularities were sufficient to disfranchise all of the voters of the Fiftieth District or to deprive contestee of an office to which, upon the face of the returns, he is entitled the undersigned emphatically deny.

They say that no more fraud or intimidation is shown in this record as having occurred in that district than would naturally have occurred in a district where there was a closely contested election—where great feeling had been aroused—and where there had been persistent and continued attempts on the part of the contestant and his friends to villify and abuse contestee and the party of which he was a candidate.

The law governing this matter is, in the opinion of the undersigned, clearly laid down in Motley v. Wilson, 26 Law Reporter, 1013, from which we quote:

"There are usually irregularities in all elections and as a general rule the misconduct of the election officers will not vititate an elec-

tion unless it is shown that the result was thereby affected. The true policy of the law is to sustain elections, and they will not be set aside on the ground of fraud unless the facts are such as to definitely show that there has been such fraud in the conduct of the election that neither candidate can be adjudged to have been fairly elected. To set aside an election is to deprive all the voters who voted at that election of their ballot, and it is to deprive the person who is successful at the election of the office which he won. The result,, therefore, of the election should not be lightly set aside. Appellant does not show that the result of the election was affected; he merely shows that it might have been affected. He does not show that fraud was practiced against him; he only shows that it might have been practiced. There is nothing in the record to connect appellee in any way with the fraud or alleged fraud. A man should not be deprived of the office to which he has been elected by the fraud of third persons with which he is in no way connected unless the fraud affected the result."

And following the rule therein laid down there is no difficulty in arriving at a conclusion that the contestee is entitled to his seat, and the undersigned recommend that the contestee be declared duly elected and entitled to represent the Fiftieth District in the House of Representatives.

The undersigned further report that the record in this case is exceedingly voluminous one, and great labor was entailed upon the contestee in defending this action. The work of the stenographer, Frank L. Ward,, in this case for contestee amounted to $49.85 of which sum $20,00 has been paid him by the contestee and the services of the attorney for contestee were of an exceedingly laborious character and worth at least $200; and the contestee was put to other expenses and trouble preparing his defense, and the under signed recommend that there be allowed to Frank L. Ward, said stenographer in this contest, $29.85, balance due him, and that there be allowed attorney of record for contestee the sum of $200 and that

there be allowed to contestee the sum of $45.00 for his expenses in this contest.

The undersigned further report that it was admitted in the argument of this contest before the committees in joint session that a partisan political organization of the city of Louisville nad contributed money to make this contest and that contestant was at no expense, either in the way of stenographer's or attorney's fees, and it was further admitted that any money allowed the contestant and paid out of the State treasury was to be returned to the partisan campaign fund from which the expenses had been paid. And the undersigned do not believe that any part of the money of the taxpayers of this State should be paid over to any political or partisan organization, and as contestant was out nothing by reason of his contest they recommended that he be allowed nothing.

Respectfully submitted,

E. MULCAHY,
JOHN BARR,
LLOYD W. GATES.

Said report of the minority ot said board was agreed to as a substitute for the majority report.

Said report as amended by the substitute was then adopted.

Mr. Mulcahy offered the following resolution, viz.:

Be it resolved by the House of Representatives of Kentucky, That the contestee, W. G. Baxter was on the 7th of November, 1905 legally elected Representative from the Fiftieth Representative District of Kentucky to the House of Representatives of the present General Assembly of Kentucky, and that the certificate of election was properly awarded to him and that he is entitled to sit in this body as such Representative; and be it further

Resolved by the House of Representatives of Kentucky, That there be allowed to W. G. Baxter, contestee herein, the sum of $45 for his expenses in preparing said contest, and that there be allowed

to his attorney of record the sum of $200 and that there be allowed to Frank L. Ward, the sum of $29.85, his bill for stenographic services for contestee in such contest. Said sums are to be paid as part of the contingent expenses of the State, and they are hereby declared to be such, and the Auditor of State will draw his warrant in favor of W. G. Baxter for the sum of $45, of Frank L. Ward for the sum of $29.85, and in favor of the person certified to him by the clerk of the House as attorney of record for contestee in this contest for $200, when there is presented to him a voucher for said sums and a copy of this resolution is declared to be such voucher, countersigned by the clerk of the House, and the Treasurer of State will draw his check for the amount of said warrants in favor of the persons named therein when same are presented to him.

Mr. McKnight moved that said resolution be referred to the Committee on Appropriations.

Said resolution was then agreed to.

Mr. R. W. Miller moved that the vote by which said resolution was referred to the Committee on Appropriations be reconsidered.

Said motion was agreed to .

Said resolution was then agreed to.

Mr. Scott of the board drawn, selected and sworn to try the contest for the right to a seat in this House as Representative from the Seventieth Representative District, composed of the counties of Laurel and Rockcastle, wherein W. M. Howard is contested and James G. Yaden is contestee, presented the following report, viz.:

To the House of Representatives:

The committee selected to act as a board of contest in the case of W. M. Howard v. Jas. G. Yaden, from the Seventieth Legislative District, composed of the counties of Laurel and Rockcastle, would report as follows: That the certificate of election was issued to

contestee on November 20, 1905, and that the notice of contest was served upon the contestee on December 5, 1905. Under the law such notice was required to be executed within fifteen days after the final action of the board of canvassers. In accordance with the uniform rule of construction adopted by the courts of this State, where the time runs from the act done, the day on which the act is done must be included. It follows that the notice of contest was not given until the sixteenth day after the final action of the board of canvassers. Therefore the board of contest decides that the notice is too late and that it is without jurisdiction to entertain this contest.

We further find that there may have been some merit in the contestant's case if the notice had been served in time, and we recommend the allowance of $50.00 to the contestant for attorney's fees and expenses, and that the contestee be allowed $100.00, as attorney's fees and expenses, all of which is respectfully submitted, this the 25th day of January, 1906.

J. F. SCOTT, Chairman,
W. H. SOUTHALL,
ROBERT C. SIMMONS,
J. W. CLAY,
W. J. GOOCH,
W. M. WILT.

The question being divided and the question being taken on agreeing to so much of said report as relates to and decides the right to a seat in this House it was decided in the affirmative.

It is thereupon adjudged by the House that James G. Yaden was on the 7th day of November, 1905 duly and regularly elected Representative from the counties of Laurel and Rockcastle, and as such is entitled to a seat in this House.

The House then took up for consideration so much of said reports as contains recommendations as to fees and expenses incurred by the parties to said contest.

Mr. McKnight moved to amend said recommendation so far as it recommends an allowance to the contestant by striking out any recommendation of allowance to contestant.

Said motion was agreed to.

Said recommendation as amended was then agreed to.

The committee to which the same had been referred, reported bills of the following titles, viz.:

By Mr. Henry C. Miller, of the Committee on Education No. 1.

H. B. 103. An act to provide for paying the expenses of the State Superintendent when visiting different parts of the State in the interest of education.

By Mr. McCarty of the Committee on Printing:

H. B. 69. An act to provide for the publication of the receipts and expenditures of sixth class towns.

By Mr. Young of the Committee on Criminal Code:

H. B. 101. An act prohibiting the unlawful destruction or taking from the premises of another tobacco plants growing on the beds.

By. Same:

H. B. 37. An act to amend section 1155 of the Kentucky Statutes.

With an amendment thereto.

By Mr. R. W. Miller of the Committee of Codes of Practice:

H. B. 23. An act to amend section 74 of the Civil Code of Practice.

By Same:

H. B. 27. An act to repeal section 281 of the Criminal Code.

By. Same:

H. B. — An act to amend section 347 of the Criminal Code of Practice.

Said bills were severally read the first time at length and ordered to be placed on the calendar.

A message was received from the Senate announcing that they had concurred in a joint resolution which originated in the House, entitled

H. Res. 3. Resolution appropriating money to pay for repairing and re-covering desks of members in hall of House of Representatives.

That they had adopted a joint resolution and passed bills of the following titles, viz.:

1. S. Res. 2. Resolution providing for the payment of expenses of the revenue commission and its secretary.

2. S. B. 8. An act appropriating the sum of $12,500 to be applied to the repair of the monument of Henry Clay in the cemetery at Lexington, and to provide a suitable statue surmounting the same and to provide for a commission to contract for and execute said work.

3. S. B. 79. An act to amend section 540, chapter 32 of the Kentucky Statutes.

4. S. B. 28. An act to transfer the town of Beattyville, Lee county, from the sixth to the fifth class.

Ordered that said resolutions and bills be printed and referred 1 and 2 to the Committee on Appropriation; 3 to the Committee on Corporate Institution, and 4 to the Committee on Classification of Cities and Towns.

The House took up for consideration from the calendar, a bill as follows, viz.:

H. B. 47. An act to amend sections 9, 11 and 13 of an act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894, said sections being 3050 3052 and 3054, respectively of the Kentucky Statutes, 1903.

Ordered that said bill be read the second time.

The provisions of the Constitution as to the second reading of said bill at length being dispensed with.

Said bill was read the second time by its title and was recommitted to the committee on municipalities, with leave to report at any time.

The House also took up for consideration from the calendar bills of the following titles, viz.:

H. B. 82. An act to provide for the payment of interest and to create a sinking fund for the ultimate redemption of county bonds, issued for the benefits of certain turnpike taxing districts.

H. B. 60. An act amending section one of an act to prevent the adulteration, mixing and misbranding orchard grass seed, and other seed by including timothy seed, and fixing a penalty therefor.

H. B. 39. An act to amend section 2 of an act, empowering the county courts of this Commonwealth to authorize the drainage of lands where the same shall be conducive to the public health or convenience of its inhabitants, approved March 23, 1900, same being article 8, chapter 76, Kentucky Statutes.

H. B. 41. An act to amend section 1 of an act empowering the county courts of this Commonwealth to authorize the drainage of lands where the same shall be conducive to the public health or convenience of its inhabitants, approved March 23, 1900, same being article 8, chapter 76, Kentucky Statutes.

H. B. 2. An act to amend section 4313, Kentucky Statutes, title "Public Roads."

Ordered, That said bills be severally read the second time.

The provision of the Constitution as to the second reading of said bills at length being dispensed with, said bills were severally read the second time by their titles.

Ordered, That said bills be placed in the orders of the day.

By unanimous consent, Mr. Scott introduced a bill, entitled

H. B. 302. An act to repeal section six (6) of the charter of the Corinth Academy.

Ordered, That said bill be printed and referred to the Committee on Education No. 1.

The House took up for consideration from the orders of the day,

H. B. 77. An act amending section 1055 of the Kentucky Statutes of the edition compiled by Hon. John D. Carroll and issued in 1903,

Together with the amendment proposed thereto by the Committee on Municipalities.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1055 of the edition of the Kentucky Statutes, compiled and edited by John D. Carroll, and issued in 1903, be, and the same is hereby, revised and amended so as to read as follows:

"The judge of the quarterly court shall keep a record of all his official acts out of term, and shall keep a docket, order-book and execution book, in which shall be recorded, as clerks are required to

do, the proceedings of the court, and shall fix a rule day for the return of execution and other process. The record books shall be paid for by the county. He may appoint a clerk of his court, who shall have power to file papers and issue all process."

Provided, That in counties having a population of one hundred and fifty thousand or more, the county judge elected at a regular election for said office shall, on the first Monday in July succeeding his election, appoint for a period of four years a clerk and a deputy clerk of the quarterly court, who shall have power to file papers and issue all processes, and for their services the clerk shall be paid at the rate of two thousand five hundred dollars per annum, and the deputy clerk at the rate of twelve hundred dollars per annum, said salaries to be paid in monthly installments and by the fiscal court of the county in which said clerk and deputy are appointed out of the county treasury from money raised for county purposes, and all fees collected from the quarterly court which heretofore has been paid to the county judge in said counties shall be paid into the treasury of the county. Said collections shall be made by the clerk, who shall settle monthly with county judge and pay the amount found by such settlement in his hands immediately into the county treasury.

Said clerk and deputy shall, before entering upon the discharge of their duties, execute bond before the county court with security approved by the court to the Commonwealth of Kentucky for the faithful performance of their duties.

The amendment proposed by the committee is as follows, viz.:

Amend by striking out "twenty-five hundred dollars" and inserting in lieu thereof "two thousand dollars."

Said amendment was agreed to.

Mr. James S. Morris offered the following amendment to said bill, viz.:

Amend section 1 by adding after the words "process" the words "and administer oaths."

Said amendment was agreed to.

Ordered, that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

J. M. Alverson,
John Barr,
E. Barry,
W. G. Baxter,
B. O. Becker,
Peter Best, Jr.,
Joe F. Bosworth,
H. Kirby Bourne,
J. C. Byland,
W. T. Cain,
M. F. Campbell,
N. B. Chipman,
Bennett Clarke,
J. W. Clay,
W. D. Claybrooke,
H. K. Cole,
W. H. Cole,
Henry M. Cox,
Ed. Croan,
Henry W. Curle,
Charles I. Dawson,
A. L. Denny,
Lawrence J. Diskin,
H. H. Griffin,
John C. Griffith,
B. P. Grigsby, Sr.,
Paul Gullion,
James A. Hagan,
W. C. Halbert,
Albert Hamilton,
J. A. Hamon,
C. W. G. Hannah,
L. P. Head,
D. C. Hopper,
W. J. Jackson,
L. F. Johnson,
W. H. Jones,
Wm. F. Klair,
Geo. D. Litsey,
H. M. McCarty,
Virgil McKnight,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
Chris Mueller,
J. M. Mitchell,
John R. Ray,
M. M. Redwine,
J. M. Robertson,
Richard S. Rose,
J. T. Royalty,
S. M. Russell,
J. T. Scott,
Ed. H. Shellman,
R. C. Simmons,
Emmet P. Slattery,
W. W. Smith,
W. H. Southall,
Hub L. Stevens,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
D. P. Taggart,
C. C. Terry,
A. J. Thompson,
C. F. Thornton,
Harry Weitkamp,
T. A. Weldon,
W. T. White,

| | | |
|---|---|---|
| Thomas Drewry, | V. W. Morris, | John B. Wicker, |
| Robert Enlow, | James S. Morris, | Geo. S. Wilson, |
| J. A. Frazier, | Ed. Mulcahy, | Munnell Wilson, |
| M. T. Freeman, | Ion B. Nall, | J. Hal Woodford, |
| Taylor P. Gabbard, | W. J. Osborne, | W. T. Wright, |
| Lloyd W. Gates, | Henry G. Overstreet, | James C. Yaden, |
| W. J. Gooch, | C. M. Paynter, | Will A. Young—91. |
| A. J. Gorham, | | |

In the negative—none.

Resolved, That the title thereof be as aforesaid.

The House took up for consideration from the orders of the day a bill, entitled

H. B. 63. An act relating to registration in towns of the fifth or sixth classes, amending section 1486 of Kentucky Statutes by striking out the words "fifth" and "sixth."

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whereas section 1486 of Kentucky Statutes was amended and approved February 14, 1904, be, and the same is hereby, amended by striking out the words "fifth" and "sixth" in the second line of said section, so that said section as amended shall read as follows:

"In all cities and towns of the first, second, third and fourth classes there shall be a registration of all the qualified voters of the respective cities and towns, which registration shall be held and conducted as herein provided.

Mr. McLean offered an amendment to said bill, as follows, viz.:

Amend by adding "and fifth" after the word "fourth" in the fifth line of the bill; and by striking out the words "fifth and" in third line of the title.

Said amendment was disagreed to.

Ordered, That said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

J. M. Alverson,
John Barr,
E. Barry,
B. O. Becker,
Peter Best, Jr.,
Joe F. Bosworth,
H. Kirby Bourne,
J. C. Byland,
W. T. Cain,
M. F. Campbell,
N. B. Chipman,
Bennett Clarke,
H. K. Cole,
W. H. Cole,
Ed. Croan,
Henry W. Curle,
Charles I. Dawson,
A. L. Denny,
Lawrence J. Diskin,
Robert Enlow,
J. A. Frazier,
M. T. Freeman,
Taylor P. Gabbard,
Lloyd W. Gates,
A. J. Gorham,
H. H. Griffin,
John C. Griffith,
B. P. Grigsby, Sr.,
W. C. Halbert,
Albert Hamilton,
C. W. G. Hannah,
D. C. Hopper,
W. J. Jackson,
L. F. Johnson,
W. H. Jones,
Geo. D. Litsey,
H. M. McCarty,
Virgil McKnight,
Henry C. Miller,
J. M. Mitchell,
V. W. Morris,
Ion B. Nall,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
John R. Ray,
J. M. Robertson,
Richard S. Rose,
J. T. Royalty,
S. M. Russell,
J. T. Scott,
Emmet P. Slattery,
W. W. Smith,
Hub L. Stevens,
Zeb. A. Stewart,
George W. Stone,
D. P. Taggart,
C. F. Thornton,
Harry Weitkamp,
T. A. Weldon,
W. T. White,
J. T. Wilson,
Munnell Wilson,
Wm. Wilt,
J. Hal Woodford,
W. T. Wright,
James C. Yaden,
Will A. Young—68.

Those who voted in the negative were—

| | | |
|---|---|---|
| Roger P. Blair, | L. P. Head, | W. H. Southall, |
| J. W. Clay, | M. H. McLean, | John A. Stevens, |
| W. D. Claybrooke, | James S. Morris, | C. C. Terry, |
| Henry M. Cox, | Ed. Mulcahy, | A. J. Thompson, |
| W. J. Gooch, | M. M. Redwine, | John B. Wicker, |
| Paul Gullion, | Ed. H. Shellman, | George S. Wilson—20 |
| J. A. Hamon, | R. C. Simmons, | |

Resolved, That the title thereof be as aforesaid.

Mr. Bourne moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill, entitled

H. B. 44. An act to amend section 31 of article 4 of an act, entitled An act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894, said section being section 3105 of Kentucky Statutes 1903.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 31 of article 4 of an act, entitled An act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894, said section being section 3105 of the Kentucky Statutes, 1903, be amended, and the same is hereby amended and re-enacted so that said section, as amended and re-enacted shall read as follows:

"§ 3105. The general council shall have power to construct sewers along or under any of the streets, alleys or highways of the city, and may assess the entire cost, including intersections, of con-

structing the same upon the lots and lands in the neighborhood of said sewers which may be benefited thereby, according to the benefits received, and in every case the council shall, by ordinance, fix and determine what lots and lands are benefited thereby, and fix and determine the amount of tax to be levied upon the several lots or lands so benefited; Provided, That where the cost of the sewer shall not exceed the sum of one dollar per front foot of the property bounding or abutting upon said streets, alleys or highways in, under or along which the sewers may be constructed, said abounding or abutting property shall be deemed the property benefited thereby, and said cost shall be apportioned equally on the said abutting lot owners according to the feet abutting. The tax provided for herein shall be a lien upon such abutting or benefited property, as the case may be. When, in the judgment of the general council, after receiving from the city engineer the estimated cost of the construction of a contemplated sewer, the payment of said tax in one or two installments shall be deemed a hardship upon the property owners subject to the same payment of same may be provided for on the "bonded sewer plan," in which case the ordinance providing for the construction of said sewers shall so designate, and thereupon the contract for said sewers shall specify that said contract price shall be paid out of the "bonded sewer fund;" and thereupon within thirty days after the signing of the contract by the contractor for the construction of a sewer on the "bonded sewer plan," it shall be the duty of the mayor of the city to issue the bonds of the city in such sums as the general council may order or direct, not exceeding the sum of the contract price for the work, and all expenses attending the completion of said work, including the expense attending an issue of said bonds, which bonds shall be redeemable by the city at any time within ten years after date of the issue of same that council may ordain; and the city may redeem any of said bonds at such time or times within the said ten years as may be stated in said bond or bonds; and said bonds shall be payable at any bank or banks in the State of Kentucky that the general council

may direct, which place of payment shall be designated in each and every bond issue under this amendment. All money arising from the sale of bonds provided for herein shall be kept by the city treasurer in a separate fund to be known as the "bonded sewer fund," and the city treasurer shall pay out of said fund all orders which the general council shall direct paid for any sewer constructed under said plan; and he shall keep all money accruing or arising thereby in the same manner and subject to all the regulations regarding other money of the city, except that he will keep a separate account of the same, and credit all interest arising therefrom to said "bonded sewer fund," and the said city treasurer shall be responsible under his official bond as said city treasurer for the money accruing and received by him hereunder; and for the faithful performance of the duties herein required of him. The amount of the bonds issued for any one sewer, together with the interest thereon, for the time intervening between the date of said bonds and the reception of the work by the council, shall be taken to be the cost of the improvement, and this cost, as soon as said bonds are issued for any improvement, shall be assessed upon the benefited property according to the benefit received. All property benefited by said improvement belonging to the city shall be considered and assessed as property belonging to individuals, and the assessment thereon shall be paid by the city out of the general fund, and charged to the "Bonded Sewer Fund." The assessment shall be made as soon as the improvement is fully completed, and the sum assessed against each piece of property, and also the owners thereof, shall be placed upon the tax list of the city, and shall be payable at the office of the city treasurer in ten equal annual installments, with interest at six per centum per annum upon the unpaid portion thereof. The first installment, together with interest on the whole amount at six per cent. per annum, shall be payable at the first payment of taxes next succeeding the time the assessment is placed upon the tax list, and the other installments annually thereafter, and always at the time of payment of the other city taxes, with in-

terest on the installments not due at the time, until all the installments are paid. The assessment may be collected like other taxes, or the city may at any time, after one installment remains delinquent for thirty days, by suit in equity, enforce its lien for all of the unpaid installments, with interest thereon to date of satisfaction of same and its costs expended. The assessment herein provided for, together with the interest accruing thereon, shall be a lien upon the property abutting or benefited, from the date of the passage of the ordinance ordering the improvement made, and shall remain a lien until fully paid off, including interest and cost, having precedence over all other liens; and said lien shall not be defeated or postponed by any judicial sale, or by any mistake in the description of the property, or in the name or names of the owners thereof. The owner or owners of lots and parts of lots or lot, may, any time after the assessment for a sewer construction is made, pay off in full the whole amount of such assessment from the date of the assessment up to, and including, the next ensuing date provided for the payment of the city taxes, and the lien herein established shall be satisfied by such payment. All money received from the assessment herein provided for shall be appropriated upon the order of the general council upon the city treasurer, to the payment of the interest and to the redemption of the bonds which may be issued for the improvement herein provided for.

The general council may provide for the construction of sewers out of the general fund. In all cases where the construction of a sewer or sewers, at the costs of benefited or abutting property owners, is contemplated, the ordinance providing for same shall not be passed until a resolution declaring said construction a necessity, and setting out in general terms the property subject to the payment of the cost of same, shall have been passed by a two-thirds vote of the members elect of each board.

Ordered, That said bill be read the third time.

The provision of the Constitution as to the third reading of said

bill at length being dispensed with, said bill was read the third time by its title and was passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

J. M. Alverson,
E. Barry,
W. G. Baxter,
B. O. Becker,
Peter Best, Jr.,
Roger P. Blair,
Joe F. Bosworth,
H. Kirby Bourne,
J. C. Byland,
W. T. Cain,
M. F. Campbell,
N. B. Chipman,
Bennett Clarke,
J. W. Clay,
W. D. Claybrooke,
H. K. Cole,
W. H. Cole,
Henry M. Cox,
Ed. Croan,
Henry W. Curle,
Charles I. Dawson,
A. L. Denny,
Lawrence J. Diskin,
Thomas Drewry,
Robert Enlow,
J. A. Frazier,
M. T. Freeman,
Taylor P. Gabbard,
Lloyd W. Gates,
W. J. Gooch,
A. J. Gorham,
H. H. Griffin,
John C. Griffith,
B. P. Grigsby, Sr.,
Paul Gullion,
James A. Hagan,
W. C. Halbert,
Albert Hamilton,
J. A. Hamon,
C. W. G. Hannah,
L. P. Head,
D. C. Hopper,
W. J. Jackson,
L. F. Johnson,
W. H. Jones,
Wm. F. Klair,
Geo. D. Litsey,
H. M. McCarty,
Virgil McKnight,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
Chris Mueller,
J. M. Mitchell,
V. W. Morris,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
John R. Ray,
M. M. Redwine,
J. M. Robertson,
Richard S. Rose,
J. T. Royalty,
S. M. Russell,
J. T. Scott,
Ed. H. Shellman,
R. C. Simmons,
Emmet P. Slattery,
W. H. Southall,
Hub L. Stevens,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
D. P. Taggart,
C. C. Terry,
A. J. Thompson,
C. F. Thornton,
Harry Weitkamp,
T. A. Weldon,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson,
Wm. Wilt,
J. Hal Woodford,
W. T. Wright,
James C. Yaden—91.

Those who voted in the negative—none.

The House took up for consideration from the orders of the day a bill, entitled

H. B. 45. An act to amend and re-enact section 22 of article 4 of an act, entitled An act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894, said section being section 3096 of the Kentucky Statutes, 1903.

Mr. McLean moved that said bill be recommitted to the Committee on Municipalities, with leave for said committee to report same at any time.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill, entitled

H. B. 48. An act to amend and re enact section 27 of article 4 of an act, entitled An act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894, being section 3101 of the Kentucky Statutes.

Said bill is as follows, viz.:

An act to amend an act, entitled An act for the government of cities of the second class in the Commonwealth of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 27 of article 4 of an act, entitled An act for the government of the cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894, being section 3101 of the Kentucky Statutes, be amended, so that said section, as hereby amended and re-enacted, shall read as follows:

"§ 3101. The general council may provide that any such construction or reconstruction of streets and public ways shall be made

on the ten-year plan, and when provisions for the construction or reconstruction of a street or streets, or any public way, on the ten-year plan shall have been made, the contract for said improvement shall specify that the same is made on the ten-year plan, and that the payment of the contract price of same, exclusive of the cost of intersections, after the improvement shall have been completed and accepted as required by law, shall be made out of the 'Ten Year Plan Street Improvement Fund,' in case said improvement is by original construction, and in case said improvement is by reconstruction, one-half of said contract price, exclusive of cost of intersections, shall be paid out of said 'Ten Year Plan Street Improvement Fund,' and the balance of said entire contract price shall be paid out of the Street Improvement Fund of the city, and within thirty days after the signing of the contract by the contractor for the contemplated improvement or re-improvements, it shall be the duty of the mayor of the city to issue the bonds of the city in such sums as council may order, not exceeding the sum of that portion of the entire contract price for the work that the abutting property holders shall be liable for, including the expense attending the issuing of said bonds, which bonds shall be redeemable by the city at any time within ten years after date of the issue of same that council may ordain; and the city may redeem any of said bonds at such time or times within said ten years as may be stated in said bond or bonds; and said bonds shall be payable at any bank or banks in the State of Kentucky that council may direct, which place of payment shall be designated in each and every bond issued hereunder, and said bonds shall have the name of the street, alley, market place or public square or portion thereof, for the improvement of which they are used, printed, engraved or written thereon. All money arising from the sale of said bonds shall be kept by the city treasurer in a separate fund, to be known as the 'Ten Year Plan Street Improvement Fund,' and the city treasurer shall pay out of the said fund all orders which the general council shall direct paid for any street improvements provided for hereunder, to the extent of that

part of the cost of same chargeable to the abutting property holders, and he shall keep all money accruing or arising hereunder in the same manner and subject to all of the regulations regarding other money of the city, except that he will keep a separate account of the same, and credit all interest arising therefrom to said 'Ten Year Plan Street Improvement Fund,' and the city treasurer shall be responsible under his official bond as said city treasurer for the money accruing and received by him hereunder, and for the faithful performance of his duties herein required of him. The amount of the bonds issued for any one improvement, together with the interest thereon, for the time intervening between the date of said bonds and the reception of the work by the council, shall be take to be the cost of the improvement chargeable to the abutting property holders, and this cost, as soon as said bonds are issued for any one improvement, shall be assessed equally by the feet front upon the property fronting or abutting or bordering upon said improvement. All property fronting or abutting or bordering upon said improvement belonging to the city shall be considered and assessed as property belonging to individuals, and the assessment thereon shall be paid by the city out of the 'Street Improvement fund' and charged to the 'Ten Year Plan Street Improvement Fund.' The assessment shall be made as soon as the improvement is fully completed, and the sum assessed against each piece of property, and also the owners thereof, shall be placed upon the tax list of the city, and shall be payable at the office of the city treasurer in ten equal annual installments, with interest at six per cent. per annum upon the unpaid portion thereof. The first installment, together with interest on the whole amount at six per cent. per annum, shall be payable at the first payment of taxes next succeeding the time the assessment is placed upon the tax-list, and the other installments annually thereafter, and always at the time of payment of the other taxes, with interest on the installments not due at the time, until all the installments are paid. The assessment may be collected like other taxes, or the city may at any time, after one installment remains delinquent for thirty

days, by suit in equity enforce its lien for all of its unpaid installments, with interest thereon to date of satisfaction of same and its cost expended. The assessments herein provided for, together with the interest accruing thereon, shall be a lien upon the property fronting, abutting or bordering upon the street or other department, from the date of the passage of the ordinance ordering the improvement made, and shall remain a lien until fully paid off, including interest and cost, having precedence over all other liens; and said lien shall not be defeated or postponed by any judicial sale, or by any mistake in the description of the property, or in the name or names of the owners thereof. The owner or owners of lots and parts of lots or a lot, may, any time after the assessment for a street improvement is made, pay off in full the whole amount of such assess ment from the date of the assessment up to and including the next ensuing date provided for the payment of the city taxes, and the lien herein established shall be satisfied by such payment. If any owner shall divide his property so that the number of feet fronting the improvement is separated into smaller lots or tracts, the lien may be discharged in like manner upon any one or more of the separate lots or tracts by the payment of the amount thereon, or the lien may be apportioned to the new owners by the city clerk, calculated by the ratio of the feet front of such lots or lot or parcels to the feet front of the original tract. All money received from the assessment herein provided for shall be appropriated, upon the order of the council upon the city treasurer, to the payment of the interest and to the redemption of the bonds which may be issued for the improvements herein provided for."

§ 2. This act shall take effect as provided by law.

Mr. McLean offered an amendment to said bill by way of substitute therefor.

Said substitute amendment is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled An act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894, be amended as follows; that section 22 of article 4 of said act be, and the same is hereby, repealed, and that the following be enacted in lieu thereof:

"§ 22. The general council may, by ordinance, provide for the construction or re-construction of the streets, alleys and other public ways and sidewalks, or parts thereof. But when such original walks) is to be made with brick, granite, asphalt, concrete or other construction of streets, alleys and other public ways (excluding side-improved material or paving, it shall be made only upon the vote of at least two-thirds of the members of the general council voting in favor thereof. Such original construction of public ways shall be made at the exclusive cost of the owners of the real estate abutting on such improvement; and such reconstruction of such ways shall be made one-half at the cost of the owners of real estate abutting on such improvement, and the other half at the cost of the city. Such cost of construction and reconstruction which is to be paid by the property owners shall be apportioned among and assessed upon the lots or parcels of real estate abutting on such improvement according to the number of front or abutting feet. There shall be a lien upon such lots or parcels of real estate for the part of the cost of such improvement so assessed thereon, and the same shall bear interest from the time of the assessment. All such liens may be enforced by action. The city shall pay the cost of the improvement of intersections of public ways. The cost of making sidewalks, including curbing, whether by original construction or reconstruction, shall be apportioned to the front foot as owned by the parties respectively, fronting said improvement, and paid by them. Such cost shall be assessed as the cost of the construction of streets, and there shall be a like lien for such assessments enforcible in like manner."

§ 2. That section 23 of article 4 of said act be, and the same is hereby, repealed, and that the following be enacted in lieu thereof:

"§ 23. The general council may issue bonds to bear not exceeding 6 per centum per annum interest to provide funds to pay for the part of the cost of any improvement that is under this act to be paid by the city, and may set aside a fund to be applied for like purposes, and the city may, when authorized by law, issue bonds to pay for the whole cost of any improvement retaining its lien against the property for the amount owing by the property owners as their part of the cost of any improvement."

§ 3. That section 27 of article 4 of said act be, and the same is hereby, repealed, and that the following be enacted in lieu thereof:

"§ 27. The general council may provide that any such construction or reconstruction of the streets, alleys, public ways and sidewalks shall be made on the ten-year plan; and thereupon, when any such improvement has been completed and accepted, a notice shall be given by publication in the official newspaper, requiring the property owners to pay the local taxes levied on their property; and if any such local taxes be not paid by such property owners, then to provide a fund for the immediate payment of such portion of the entire cost of such improvement or re-improvement as the abutting property holders shall be liable for, but may not pay in cash, in conformity with said notice. The general council is authorized to borrow money at a rate of interest not exceeding six per centum per annum, in anticipation of the collection of a special tax or assessment for such improvement or re-improvement, from such property holders, and to issue the bonds of the city therefor in the manner and form herein provided, pledging the liens on the property, and any fund which the city may have set apart for said purpose, and the faith and credit of the city where the city has been authorized to pledge its faith and credit, or any or all of said pledges may be given by the city for the payment of the principal and interest of said bonds, as the city may desire. The city may, if it so desires, and has been authorized by law to pledge the faith and credit of the city in payment of its part of the cost of any improvement made hereunder, issue bonds for its part of the cost of the improvement

in like manner as is herein provided for the issual of bonds in payment of the cost of the improvement on behalf of the property holders. Said bonds shall be divided into ten series, each series to be as nearly equal as possible, said series to be paid respectively in one, two, three, four, five, six, seven, eight, nine and ten years after date. Said bonds shall be of the denomination of one hundred dollars, or its multiple, not exceeding one thousand dollars, and shall bear interest at the rate of not exceeding six per centum per annum. The bonds shall have the name of street, alley, market place or public square, or portion thereof, for the improvement of which they are used, printed, engraved or written thereon. Any odd amount remaining after the issuing of said bonds of the denomination of one hundred dollars or its multiple, as herein provided, may be paid in cash out of the general fund of the city, or may, at the option of the general council, be included in a separate bond, payable in ten years from date, drawing like interest as the bonds herein provided for. The owner or owners of each lot or parcel of land bounding or abutting upon such improvement or re-improvement, who does not pay in cash the entire amount of assessment or tax due from his lot or parcel of land as above provided, shall pay annually, at such time as shall be specified in the assessing ordinance of the general council, one-tenth of the amount of the assessment or tax due from his lot or parcel of land, together with five per centum interest thereon, and five per centum interest upon the remaining assessment unpaid, and such payments shall continue to be made until the entire amount of the assessment and interest shall be paid. In default of such payment at such times, the same penalty shall attach on the amount so payable as attaches to the non-payment of other municipal taxes, and shall be collected, together with the amount so due from the owner or owners of such lot or parcel of land, in the same manner as other city taxes and penalties are collected for municipal purposes; and such assessments and penalty shall be and remain a lien upon such lot or parcel of land until the same has been fully paid and satis-

fied. It shall be the duty of the city treasurer, immediately on default of payment in cash of the assessment upon said property at the time specified by the general council, to forthwith certify all unpaid assessments to the city auditor, and cause the same to be placed upon the tax duplicate with other taxes. The annual assessment, and all portions thereof, shall be paid to the city treasurer when collected, and shall go into the sinking fund of the city, and shall be by the sinking fund commissioners applied, as far as practicable, to the payment or purchase of bonds issued in anticipation of their collection and the interest thereon as the same shall become due; but if impracticable, the same shall be invested as other funds of the sinking fund are required to be invested."

§ 4. Whereas, The improvement of streets in cities of the second class is being greatly delayed and impeded through lack of authority of the general councils, an emergency is declared to exist, and this act shall take effect from and after its passage and approval by the Governor.

Said substitute amendment was adopted.

Ordered, That said bill as amended by said substitute be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and the same being engrossed, said bill was read the third time by its title and was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | John C. Griffith, | M. M. Redwine, |
| John Barr, | B. P. Grigsby, Sr., | J. M. Robertson, |
| E. Barry, | Paul Gullion, | Richard S. Rose, |
| W. G. Baxter, | James A. Hagan, | J. T. Royalty, |

Charles C. Beard,
B. O. Becker,
Peter Best, Jr.,
Roger P. Blair,
Joe F. Bosworth,
H. Kirby Bourne,
J. C. Byland,
W. T. Cain,
M. F. Campbell,
Bennett Clarke,
J. W. Clay,
H. K. Cole,
W. H. Cole,
Henry M. Cox,
Henry W. Curle,
Charles I. Dawson,
A. L. Denny,
Thomas Drewry,
J. A. Frazier,
M. T. Freeman,
Taylor P. Gabbard,
Lloyd W. Gates,
W. J. Gooch,
A. J. Gorham,
H. H. Griffin,
W. C. Halbert,
Albert Hamilton,
J. A. Hamon,
C. W. G. Hannah,
L. P. Head,
D. C. Hopper,
W. J. Jackson,
L. F. Johnson,
W. H. Jones,
Wm. F. Klair,
Geo. D. Litsey,
H. M. McCarty,
M. H. McLean,
R. W. Miller,
Chris Mueller,
J. M. Mitchell,
V. W. Morris,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
John R. Ray,
S. M. Russell,
J. T. Scott,
Ed. H. Shellman,
R. C. Simmons,
Emmet P. Slattery,
W. W. Smith,
W. H. Southall,
Hub L. Stevens,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
D. P. Taggart,
C. C. Terry,
A. J. Thompson,
C. F. Thornton,
Harry Weitkamp,
T. A. Weldon,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson,
Wm. Wilt,
W. T. Wright—85.

In the negative—none.

Resolved, That the title thereof be as follows, viz.:

An act to amend an act, entitled An act for the government of cities of the second class in the Commonwealth of Kentucky.

The House took up for consideration from the orders of the day a bill, entitled

H. B. 50. An act to repeal the charter of Elizaville, Fleming county, Kentucky.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That An act to revise and reduce into one charter and various amendments thereto of the town of Elizaville, in Fleming county, which was approved January 28, 1884, be, and the same is hereby, repealed in its entirety.

§ 2. That any public money remaining in the treasury of said town, when this goes into effect, shall be turned over to the treasurer of the county of Fleming and applied by the fiscal court of the county for repairs of the public roads or turnpikes of said county.

§ 3. That this act shall be in full force and effect from and after its passage.

Ordered, That said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and was passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| John Barr, | M. T. Freeman, | John R. Ray, |
| E. Barry, | Taylor P. Gabbard, | M. M. Redwine, |
| W. G. Baxter, | Lloyd W. Gates, | J. M. Robertson, |
| Charles C. Beard, | W. J. Gooch, | Richard S. Rose, |
| B. O. Becker, | John C. Griffith, | J. T. Royalty, |
| Peter Best, Jr., | B. P. Grigsby, Sr., | S. M. Russell, |
| Roger P. Blair, | Paul Gullion, | J. T. Scott, |
| Joe F. Bosworth, | James A. Hagan, | Ed. H. Shellman, |
| H. Kirby Bourne, | Albert Hamilton, | R. C. Simmons, |
| J. C. Byland, | L. P. Head, | Emmet P. Slattery, |

| | | |
|---|---|---|
| W. T. Cain, | D. C. Hopper, | Hub L. Stevens, |
| M. F. Campbell, | W. J. Jackson, | John A. Stevens, |
| N. B. Chipman, | L. F. Johnson, | George W. Stone, |
| Bennett Clarke, | W. H. Jones, | D. P. Taggart, |
| J. W. Clay, | Wm. F. Klair, | C. C. Terry, |
| H. K. Cole, | M. H. McLean, | A. J. Thompson, |
| W. H. Cole. | R. W. Miller, | C. F. Thornton, |
| Henry M. Cox, | Chris Mueller, | T. A. Weldon, |
| Ed. Croan, | J. M. Mitchell, | W. T. White, |
| Henry W. Curle, | V. W. Morris, | John B. Wicker, |
| Charles I. Dawson, | James S. Morris, | Geo. S. Wilson, |
| A. L. Denny, | Ed. Mulcahy, | J. T. Wilson, |
| Lawrence J. Diskin, | Ion B. Nall, | Munnell Wilson, |
| Thomas Drewry, | W. J. Osborne, | Wm. Wilt, |
| Robert Enlow, | Henry G. Overstreet, | J. Hal Woodford, |
| J. A. Frazier, | C. M. Paynter, | W. T. Wright—78. |

Those who voted in the negative—none.

Resolved, That the title thereof be as aforesaid.

The House took up for consideration from the orders of the day a bill, entitled

H. B. 20. An act to promote the sheep industry and provide a tax on dogs.

Mr. Croan moved that said bill be made the special order of the day for Tuesday, January 30th, inst., at 11 o'clock a. m.

Said motion was agreed to.

And then the House adjourned.

FRIDAY, JANUARY 26, 1906.

The House was opened with prayer by Rev. T. F. Taliaferro, of the Methodist Episcopal Church, South.

The reading of the Journal of yesterday's proceedings was dispensed with and the same was approved.

Upon the call of the counties and representative districts, the following bills were introduced, ordered to be printed and referred to the Committees, respectively, viz.:

By Mr. Griffin:

H. B. 303. An act to transfer the town of Scottsville, Allen county, from the sixth class to the fifth class.

Referred to Committee on Classification of Cities and Towns.

By Mr. Paynter:

H. B. 304. An act to amend section 1085, Kentucky Statutes.

Referred to Committee on Kentucky Statutes.

By Mr. Stewart:

H. B. 305. An act to amend section 4300 of the Kentucky Statutes.

Referred to Committee on Judiciary.

By Mr. Hopper:

H. B. 306. An act to repeal the charter of the town of Yosemite, in Casey county.

Referred to Committee on Cities of the Fourth, Fifth and Sixth Classes.

By Mr. Gabbard:

H. B. 307. An act to amend section 2089 of Kentucky Statutes, relating to holidays.

Referred to Committee on Kentucky Statutes.

By Mr. Hamilton:

H. B. 308. An act to amend an act, entitled An act relating to courts of justice, being chapter 221, Acts 1893, approved June 10, 1893.

Referred to Committee on County and City Courts.

By Mr. Wilt:

H. B. 309. An act to amend section 3638 of the Kentucky Statutes.

Referred to Committee on Printing.

By same:

H. B. 310. An act to amend section 3487 of the Kentucky Statutes.

Referred to Committee on Printing.

By same:

H. B. 311. An act to repeal the charter of Nepton, Fleming county, approved March 15, 1886.

Referred to Committee on Cities of Fourth, Fifth and Sixth Classes.

By Mr. Johnson:

H. B. 312. An act requiring statement of receipts and expenditures of fire insurance companies.

Referred to Committee on Insurance.

By same:

H. B. 313. An act encouraging the detection of and conviction

for the violation of laws relating to insurance companies and insurance.

Referred to Committee on Insurance.

By same:

H. B. 314. An act to regulate insurance procured in unauthorized companies.

Referred to Committee on Insurance.

By same:

H. B. 315. An act relating to fire insurance agents and prescribing the qualifications thereof.

Referred to Committee on Insurance.

By same:

H. B. 316. An act entitled an act to prevent unjust discriminations in favor of insurance and providing penalties therefor.

Referred to Committee on Insurance.

By same:

H. B. 317. An act to prevent fire insurance companies not incorporated under the laws of this State from writing contracts of insurance covering property in this State other than through resident local agents and to prohibit soliciting insurance without a license.

Referred to Committee on Insurance.

By Mr. Jackson:

H. B. 318. An act to regulate charges on excess baggage on all steam and electric railroads.

Referred to Committee on Railroads.

By Mr. Hannah:

H. B. 319. An act to amend section 2096, Kentucky Statutes, relative to persons who are prohibited from intermarrying.

Referred to Committee on Judiciary.

By Mr. Best:

H. B. 320. An act relating to revenue and taxation, providing for license taxes on compounded, rectified, adulterated or blended distilled spirits, known and stamped as single stamped spirits and providing penalties for violation of its provisions.

Referred to Committee on Commerce and Manufactures.

By same:

H. B. 321. An act relating to the sale of compounded, rectified adulterated or blended distilled spirits, known and designated as single stamped spirits and providing penalties for violation of its provisions.

Referred to Committee on Commerce and Manufactures.

By Mr. J. T. Wilson:

H. B. 322. An act to amend and re-enact subsection 1, 11, 16, 19, 20, 22, 23, 24 and 26 of section 2380 and subsections 5 and 6 of section 2412A of the 1903 edition of Carroll's Kentucky Statutes, which relate to the drainage of lands in this Commonwealth.

Referred to Committee on Internal Improvements.

By Mr. Bourne:

H. B. 323. An act to amend section 4545 of the Kentucky Statutes, dispensing with the presence of the Secretary of State in court to identify certified copies of records from his office.

Referred to Committee on Judiciary.

By Mr. Cain:

H. B. 324. An act to amend section 1085, article 7, chapter 35 of Kentucky Statutes, which relates to justices' courts.

Referred to Committee on County and City Courts.

By Mr. Simmons:

H. B. 325. An act to regulate the liability of employers to employes for injuries sustained by such employes while in the performance of their duty to their employers.

Referred to Committee on Judiciary.

By Mr. Arnett (by request):

H. B. 326. An act, entitled An act for the protection of life and property against loss as damages from the operation of steam boilers in this State, and to provide for the inspection of steam boilers and to create the office of State steam boiler inspector.

Referred to Committee on Immigration and Labor.

By Mr. Yaden:

H. B. 327. An act to provide for proper recognition of proficiency acquired by students who attend the normal department of the A. and M. College, of Kentucky.

Referred to Committee on A. and M. College.

By Mr. Halbert:

H. B. 328. An act to repeal and re-enact section 971, chapter 35, Kentucky Statutes, entitled "Courts of Justice," Carroll Edition.

Referred to Committee on Judiciary.

By same:

H. B. 329. An act providing that the court shall fix the punishment for violations of the penal or criminal laws of the State within the limits or amount prescribed by law, the jury determining the guilt or innocence of the accused.

Referred to Committee on Criminal Law.

By Mr. Cox:

H. B. 330. An act for the benefit of Hazelrigg and Chenault, permitting them to sue the Commonwealth of Kentucky.

Referred to Committee on Land Titles.

By Mr. Freeman:

H. B. 331. An act to amend and re-enact sections 1308 and 1309, chapter 36, subdivision 8 of Kentucky Statutes, entitled "Deadly Weapons"

Referred to Committee on Criminal Law.

By same:

H. B. 332. An act to amend and re-enact section 2557A, chapter 81, article 1 of Kentucky Statutes, entitled "Local Option Law."

Referred to Committee on Criminal Law.

By Mr. George S. Wilson:

H. B. 333. An act to prevent the operation of poolrooms and fixing the penalty for its violation.

Referred to Committee on Judiciary.

By same:

H. B. 334. An act to amend an act, entitled An act to create a board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth, which became a law March 5, 1898, without the approval of the Governor.

Referred to Committee on State Prisons and Houses of Reforms. Provides for Assistant Deputy Wardens.

By Mr. Spellman:

H. B. No. 335. An act to regulate fees of stock yards.

Referred to Committee on Agriculture.

By same:

H. B. 336. An act to regulate intermarriages.

Referred to Committee on Judiciary.

By Mr. Redwine:

H. B. 337. An act to repeal an act incorporating the town of Newfoundland.

Referred to Committee on Kentucky Statutes.

By Mr. Diskin:

H. B. 338. An act to amend section 2268 of the Kentucky Statutes.

Referred to Committee on Circuit Courts. Provides that in civil actions not for damages three-fourths or more of the jury concurring may return a verdict.

Mr. R. W. Miller offered the following resolution, viz:

It appearing that there is no contract now existing covering printing of the House bills and the work of printing so slow and unsatisfactory as to greatly hinder and delay the public business,

Be it resolved, That the clerk of the House be directed and empowered to have the House bills printed. The cost of same to be certified to the auditor and by him paid as a contingent expense of this House.

Said resolution was agreed to.

Mr. Bosworth offered the following joint resolution, viz.:

Resolution asking the Federal authorities not to grant any retail liquor license to local option territory in Kentucky.

Be it resolved by the General Assembly of the Commonwealth of Kentucky.

First. That it is the wish and desire of the General Assembly of Kentucky that the United States Government will not grant any retail liquor license to any county, municipality or precinct in the

State of Kentucky where the sale of vinous, spirituous or malt liquor is forbidden by the laws of this State.

Second. That a copy of this resolution be sent to each of our Reperesentatives in Congress and to the Commissioner of Internal Revenue, and that they be requested to use their efforts in securing the purpose of this resolution.

Which was read and lies over.

A message from the Senate announcing that they had concurred in the following resolution, viz.:

H. Res. 12. Resolution providing for the observance of the 12th day of February in commemoration of the birth of Abraham Lincoln.

That they had adopted a joint resolution and had passed bills of the following titles, viz.:

1. S. Res. 10. Resolution requesting the Congress of the United States to propose an amendment to the Constitution, authorizing the levy of taxes on incomes, gifts and inheritances.

2. S. B. 11. An act to further regulate elections and registrations in cities and towns of this Commonwealth.

3. S. B. 80. An act to promote the sheep industry and provide a tax on dogs.

Ordered that said resolution and bills be printed and referred first, to the Committee on Federal Relations; the second, to the Committee on Suffrage and Elections; and the third, to the Committee on Agriculture.

The board of printing commissioners by their chairman and secretary made the following report, viz.:

The following report of the State Board of Printing Commissioners was this day received, ordered to be printed and referred to the Committee on Printing, viz.:

To the General Assembly of Kentucky:

Gentlemen:—In compliance with section 3990 of the General Statutes of Kentucky, we have the honor to submit our biennial report as printing commissioners.

At a meeting of said board held on September 29, 1903, it was decided to advertise for bids for the different classes of printing and November 12, 1903, was the day set to open and consider said bids. Accordingly, on said day the board met and awarded contracts for the different classes of printing from January 1, 1904, to January 1, 1906, as follows:

For the first class printing, Geo. G. Fetter Priting Company presented the folowing:

BID FOR THE PRINTING AND BINDING OF THE FIRST CLASS.

To the Commissioners of Public Printing, Binding, etc.:

The undersigned, Geo. G. Fetter Printing Company, of Louisville, Ky., propose to execute for and furnish the State for two years from the first Monday in January, 1902 with all the printing, binding, etc., in what is known as the "first class," under an act, entitled "An act to provide how the printing, binding and stationery used by the State shall be furnished," approved June 20, 1893, at the common rate per centum of 18 per cent. of the schedule of prices fixed in said act for the work in this class, and subject to all the conditions of said law and the requirements of the advertisement under which these bids are made and received.

And also for the following work not specially provided by said act, we bid as follows:

For stitching with thread, wire or fasteners, such pamphlets, bills, etc., as do not require covers, per hundred .....$0 10

For stringing the dockets of the Court of Appeals, per hundred ..... 25

For making into pads of any size, per thousand sheets ..... 25

We agree to have any portion of the work executed at Frankfort

that may be required by the commissioners of public printing. We accompany this bid with a bond for ten thousand dollars, as required by said act.

In witness whereof we have hereunto subscribed our names this 11th day of November, 1903.

GEO. G. FETTER PRINTING CO.,
Geo. G. Fetter, President.

Which bid being the lowest and best, and accompanied by a bond conditioned according to law, was accepted by the board.

For second class printing Henry Bacon presented the following:

BIDS FOR PRINTING AND BINDING OF THE SECOND CLASS.

To the Commissioners of Public Printing, Binding, etc.:

The undersigned, Henry Bacon, of Louisville, Ky., proposes to furnish the record books for the various counties and for the departments of the State government for two years from the first Monday in January, 1904, according to an act, entitled "An act to provide how the printing, binding and stationery used by the State shall be furnished," approved June 20, 1893, at the common rate per centum of 40 per cent. of the schedule of prices fixed in said act for the work in this class.

Also for the following work not especially provided for by said act we bid as follows:

For separate indexes, "Plain" or "Cross," as oredered, and with proper printed headings, full leather bound, on the same paper required for books, with leather tabs, gold lettered, as follows:

| | |
|---|---|
| Cap size | $0 25 |
| Demy | 75 |
| Medium | 2 00 |
| Royal | 1 25 |
| For indexes in front or back, leather tabs, gold lettered, each. | 75 |

For printing headings in stock forms, whether caption or full page, any size, per book ..... 75

We agree to use first quality of Crane's, Byron Weston's or L. L. Brown Paper Company's linen ledger paper, of the following weights:

Cap size, 18 pounds per ream; Demy, 28; Medium, 40; Royal, 44

We agree to properly wrap and ship record books to the various counties charging no more therefor than we pay for the express thereon.

A bond for ten thousand dollars accompanies this bid.

In witness whereof, we hereunto subscribed our name this 9th day of November, 1903.

HENRY BACON.

Which, after due consideration, was accepted as the lowest and best bid presented, he having filed the necessary bond as provided by law.

For the third class printing the contract was let to Henry Bacon, his bid being the lowest and best, and all provisions of the law having been complied with.

A copy of this bid is filed herewith and made a part of this report and reads as follows:

THIRD CLASS PRINTING, JANUARY, 1904; H. BACON CONTRACT.

BIDS FOR

PRINTING, BINDING, ETC., OF THE THIRD CLASS.

To the Commissioners of Public Printing, Binding, etc.:

The undersigned, ....., of ....., propose to execute for and furnish the State for two years from the first Monday in January, 1902, with all the lithographic printing and engraving in what is known as the "third class," under an act, entitled "An act to provide how the printing, binding and

stationery used by the State, shall be furnished," approved June 20, 1893, at the following prices:

| | Minimum Quantity | Crane's First Quality 20 Pound Linen Folio | Crane's First Quality No. 21 Bond | Crane's First Quality No. 25 Bond |
|---|---|---|---|---|
| Letter Heads, ruled or unruled, padded or loose | 5,000 | $19 00 | $30 40 | $35 65 |
| Auditor's Warrants, 500 to book | 24 books | 58 90 | 71 25 | 76 00 |
| Auditor's Receipts and Permits, 250 of each in one book | 2 books | 10 00 | 12 35 | 13 30 |
| Treasurer's Receipts, 500 to book | 2 books | 13 30 | 14 75 | 16 15 |
| Pardons or Conditional Pardons | 250 | 8 55 | 9 50 | 10 45 |
| Remissions | 1,000 | 21 50 | 23 75 | 25 65 |
| Notary Commissions | 2,500 | 41 35 | 49 40 | 55 10 |
| Warrants of Arrest | 250 | 8 65 | 9 50 | 10 55 |
| State Agent's Commissions | 250 | 8 60 | 9 50 | 10 55 |
| Requisitions | 250 | 7 60 | 9 05 | 10 00 |
| Licenses, 50 to the book, with stub and duplicate | 200 books | 71 25 | 85 50 | 95 00 |
| Embossed Letter Heads, ruled or unruled, padded or loose | 5,000 | 25 65 | 25 65 | 39 90 |
| Justices' of the Peace Commissions | 1,000 | 21 85 | 23 75 | 25 05 |
| Police Judges' Commissions | 250 | 8 55 | 9 50 | 10 55 |
| County Judges' Commissions | 250 | 8 55 | 9 50 | 10 55 |
| Commissioner of Deeds' Commissions | 250 | 7 60 | 8 60 | 9 50 |
| Miscellaneous Commissions | 250 | 11 90 | 12 85 | 14 25 |
| Restoration to Civil Rights | 250 | 11 90 | 12 85 | 14 25 |
| Treasurer's Checks, steel engraved | 5,000 | 52 75 | 61 75 | 14 25 |

All the above to be lithographed except where otherwise expressly stated.

Treasurer's checks bound, perforated and numbered.

Warrants to be bound as at present, perforated and numbered.

Auditor's receipts and permits in sets, bound, perforated and numbered.

Treasurer's receipts bound, perforated and numbered.

License books to have original, duplicate and stub, and be bound, perforated and numbered.

The price stated is for the quantity named; the contractor to

furnish material and perform the work in the best style of the art. A bond for ten thousand dollars accompanies this bid.

Given under our hands this 9th day of November, 1903.

HENRY BACON.

For fourth class work, J. B. Flake, of Covington, Ky., presented the lowest bid, which, after due consideration by the board, was accepted, he having complied with the law in regard to filing bond for the faithful performance of his contract.

A copy of his bid is filed herewith and made a part of this report and is as follows:

BIDS FOR FURNISHING PAPER, STATIONERY, ETC.—FOURTH CLASS.

To the Commissioners of Public Printing, Binding, etc.:

The undersigned, .....of ....., propose to furnish the State of Kentucky with paper and stationery in such quantities as may, from time to time, be ordered for two years from the first Monday in January, 1902, at the following prices:

BOOK PAPERS.

No. 1 Eastern, white and toned, sized and super-calendered, any weight or size, 3.74 cents per pound.

Extra fine No. 2, white and toned, sized and calendered, any weight or size, 3.49 cents per pound.

FLAT PAPERS.

Railroad Manilla, any size or weight, 3 3-8 cents per pound.

Belmont or its equivalent, any size or weight, white M, 4¾ cents per pound.

Anchor Mills or its equivalent, any size or weight, white N, 4½ cents per pound.

Chicot Mills or its equivalent, any size or weight, Pilgrim, 6¼ cents per pound.

Whitestone Winona Mills or its equivalent, any size or weight 7 cents per pound.

Westlock or its equivalent, any size or weight, 9 cents per pound.

Gilbert Old Berkshire Mills or its equivalent, any size or weight, Old Colony, 12 cents per pound.

Old Berwick or its equivalent, any size or weight, 8¾ cents per pound.

The State reserves the right to name any of the brands in the contract and reject the others.

Samples of "equivalent" papers must be filed and plainly marked, showing by whom filed and for what it is a substitute.

## COVER PAPERS.

All colors, any weight or size, wove or laid, — per pound.

All weights and sizes, No. 1 Jute, — per pound.

All weights and sizes, No. 1 Manilla, — per pound.

## LEDGER PAPERS.

Crane Bros.', Byron Weston's, and L. L. Brown Paper Co.'s Scotch Linen or Hercules, first quality:

| | Weston's | Brown's | Crane's Barrington Ledger | Scotch D. & W. Ledger | Hercules Cranford Ledger |
|---|---|---|---|---|---|
| Cap and Double Cap .. | $0 21 | $0 19 | $0 17 | $0 18½ | $0 10 |
| Demy ..... | 23 | 20 | 18 | 18½ | 10 |
| Medium ..... | 25 | 21½ | 19 | 18½ | 10 |
| Royal ..... | 26 | 23 | 20 | 18½ | 10 |
| Super Royal ..... | 28 | 25 | 20½ | 18½ | 10 |
| Imperial ..... | 28 | 25 | 21 | 18½ | 10 |
| Double Demy ..... | 23 | 21 | 18 | 18½ | 10 |
| Double Medium ..... | 25 | 22 | 20 | 18½ | 10 |
| Double Royal ..... | 26 | 23 | 19 | 18½ | 10 |
| Any special size ..... | 23 | 20 | 18 | 18½ | 10 |

The State reserves the right to name any of the brands in the contract and reject the others.

## BOND PAPERS.

| (Give price per 1,000 sheets). | 14x17 | 16x21 | 17x22 | 17x28 | 19x24 | 20x24 | 19x30 |
|---|---|---|---|---|---|---|---|
| Crane's first quality, No. 21.. | $ 9 00 | $13 50 | $15 60 | $18 00 | $17 40 | $18 00 | $21 60 |
| Crane's first quality, No. 25.. | 10 80 | 16 20 | 18 00 | 21 60 | 20 40 | 21 60 | 27 00 |

Merchant's Bond or its equivalent, any size or weight, Irish Linen Bond 11½ cents per pound.

Victor Bond ir its equivalent, any size or weight, Historical, 7½ cents per pound.

Samples of "equivalent" papers must be filed and plainly marked, showing by whom filed and for what paper it is substituted.

## TAG BOARD.

Manilla Tag Board, any weight or size, 2 5-8 cents per pound.

## BRISTOL CARD BOARD.

| | 2-ply. | 3-ply. | 4-ply. | 5-ply. |
|---|---|---|---|---|
| Express Bristol, per 100 sheets, or its equivalent.. | $0 70 | $0 85 | $1 00 | $1 15 |
| C. & W. Bristol, per 100 sheets, or its equivalent.. | 95 | 1 15 | 1 35 | 1 55 |
| Buckeye Bristol, per 100 sheets, or its equivalent.. | 1 10 | 1 30 | 1 50 | 1 75 |
| Merchant's Bristol, per 100 sheets, or its equivalent | 1 30 | 1 55 | 1 85 | 2 10 |

Samples of "equivalent" papers must be filed and plainly marked, showing by whom filed and for what it is a substitute.

French Folio, white, 58 cents per ream.

French Folio, colored, 60 cents per ream.

## ENVELOPES.

| | 6¼ | 6¾ | 10 | 12 |
|---|---|---|---|---|
| XX White, No. 2 Rag, high cut, per 1,000..... | $0 70 | $0 83 | $1 40 | $1 80 |
| XXX White, No. 2 Rag, high cut, per 1,000..... | 79 | 95 | 1 70 | 2 05 |
| XX White, No. 1 Rag, high cut, per 1,000..... | 80 | 95 | 1 68 | 2 05 |
| XXX White, No. 1 Rag, high cut, per 1,000..... | 90 | 1 20 | 1 85 | 2 30 |
| XX No. 1 Manilla, high cut, per 1,000..... | 42 | 50 | 74 | 1 05 |
| XXXX No.1 Manilla, high cut, per 1,000..... | 50 | 54 | 90 | 1 27 |

XXX No. 1 Manilla, Policy, 4x9, $1.05 per 1,000.

XXX No. 1 Manilla, Policy, 4⅛x9⅝, $1.10 per 1,000.

Samples of envelopes must be filed with each bid.

Will furnish paper for election ballots of the prescribed quality and weight under act of October 16, 1900, at 3,62½ cents per pound, including the cost of packing. Actual cost of express or freight in excess of such charges to Frankfort, to be added to above price per pound, all of said paper to be packed flat and in a secure manner.

All paper and stationery not included in this bid will be furnished at the lowest wholesale cash price with 1 per cent. added, and all paper, etc., will be delivered to the contractor for the first-class printing, or to the commissioners without charge for freight. A bond for ten thousand dolars accompanies this bid.

Given under our hand this 12th day of November, 1903.

J. B. FLAKE.

Under the provisions of the above bids and contracts the following amounts have been paid:

GEO. G. FETTER PRINTING COMPANY, CONTRACTOR FOR FIRST CLASS PRINTING.

| | |
|---|---|
| April 27, 1904 | $5,053 58 |
| June 11, 1904 | 173 20 |
| June 14, 1904 | 2,326 30 |
| Aug. 11, 1904 | 2,229 77 |
| Aug. 24, 1904 | 2,496 49 |
| Oct. 8, 1904 | 3,514 70 |
| Dec 14, 1904 | 3,508 84 |
| Jan. 21, 1905 | 280 44 |
| Feb. 16, 1905 | 1,575 77 |
| April 10, 1905 | 1,313 28 |
| June 21, 1905 | 3,085 09 |
| July 29, 1905 | 2,569 99 |
| Aug. 5, 1905 | 2,487 39 |

| | |
|---|---|
| Nov. 29, 1905 | $2,389 86 |
| Jan. 19, 1906 | 3,152 69 |
| Total | $36,157 39 |

HENRY BACON, CONTRACTOR FOR SECOND CLASS PRINTING.

| | |
|---|---|
| April 28, 1904 | $1,619 73 |
| May 26, 1904 | 2,009 93 |
| Aug. 24, 1904 | 908 59 |
| Nov. 14, 1904 | 2,387 40 |
| Jan. 10, 1905 | 1,196 98 |
| Feb. 17, 1905 | 697 29 |
| Feb. 18, 1905, Trustees' Record and Teachers' Registers | 3,135 17 |
| April 7, 1905 | 979 69 |
| April 28, 1905 | 229 04 |
| June 22, 1905 | 1,173 70 |
| July 18, 1905 | 633 82 |
| Nov. 15, 1905 | 920 90 |
| Dec. 20, 1905 | 950 89 |
| Total | $16,843 13 |

HENRY BACON, CONTRACTOR FOR THIRD CLASS PRINTING.

| | |
|---|---|
| April 28, 1904 | $ 556 10 |
| May 20, 1904 | 232 49 |
| Aug. 24, 1904 | 774 50 |
| Nov. 14, 1904 | 1,084 51 |
| Feb. 17, 1905 | 380 81 |
| April 7, 1905 | 618 81 |
| June 22, 1905 | 347 07 |
| July 18, 1905 | 449 39 |
| Nov. 15, 1905 | 365 17 |
| Dec. 20, 1905 | 134 13 |
| Total | $ 4,942 98 |

J. B. FLAKE, CONTRACTOR FOR FOURTH CLASS PRINTING.

| | |
|---|---|
| April 27, 1904 | $3,256 12 |
| July 22, 1904 | 3,103 94 |
| Nov. 15, 1904 | 6,191 89 |
| April 3, 1905 | 2,614 86 |
| June 28, 1905 | 3,728 47 |
| Nov. 15, 1905 | 3,030 27 |
| Total | $21,925 55 |

RECAPITULATION.

Amount paid for all classes of printing under the contracts as above set out:

| | |
|---|---|
| Geo. G. Fetter Printing Co., First Class | $36,157 39 |
| Henry Bacon, Second Class | 16,843 13 |
| Henry Bacon, Third Class | 4,942 98 |
| J. B. Flake, Fourth Class | 21,925 55 |
| Total | $79,869 05 |

As above stated, these contracts were let for two years from January 1, 1904, to January 1, 1906. Under section 3962, it would have been the duty of this board to let the contract for the ensuing two years. But following the suggestion of the Senate Committee on Printing, as set forth in its report to the Senate, on page 1216 of the Senate Journal of 1904, this board, at its meeting held October 25, 1905, unanimously decided to postpone the letting of the contract for the different classes of printing until after the legislative session of 1906, in order that the contract might be let subject to any legislation this honorable body might in its wisdom decide was necessary.

J. C. W. BECKHAM,
Chairman Board Printing Commissioners.

CHAS. E. BOOE, Secretary.

Which was received and ordered to be printed and referred to the Committee on Printing.

Mr. McLean of the Committee on Municipalties, to which the same had been recommitted, reported a bill, entitled

H. B. 47. An act to amend sections 9, 11 and 13 of an act, entitled An act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894, said sections being 3050, 3052 and 3054, respectively, of the Kentucky Statutes, 1903.

Together with the amendment thereto as a substitute therefor heretofore proposed by said committee.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 9 of article 3 of an act, entitled "An act for the government of cities of the second class in the Commonwealth of Kentucky," being section 3050 of the Kentucky Statutes, 1903. be amended by striking out all the words of said section and by inserting therein the following words, so that said section as thus amended shall read as follows:

"Whenever it is deemed desirable to annex any territory to the city or to reduce the boundary thereof, the general council thereof may enact an ordinance, defining accurately the boundary of the territory to be annexed or stricken off, and such ordinance shall thereupon be published in at least four issues of the official newspaper of the city. In not less than thirty days after the enactment of such ordinance, if the publication as provided has been made or given and no petition is filed in the circuit court, as hereinafter provided, the general council may by ordinance annex to the city the territory described in the ordinance hereinbefore mentioned, or reduce the limits, as the case may be, and upon the enactment of such ordinance such territory shall become part of such city, or shall be

stricken out therefrom within thirty days after the enactment of an ordinance proposing to annex territory to the city, or to reduce the limits thereof, one or more residents or fee holders of the territory proposed to be annexed or stricken off may file a petition in the circuit court of the county setting forth the reason why such territory or any part thereof should not be annexed, or why the limits should not be reduced. Summons shall issue thereof and be executed on the mayor of the city as in other cases, and the answer of the city shall be filed within twenty days after service of the summons. The case shall be tried according to the rules and practice prescribed for the trial of jury cases. If the jury be satisfied, upon a hearing, that less than seventy-five per cent. of the freeholders of the territory to be annexed or stricken off have remonstrated, and that the adding or striking off of such territory from the city will be for its interest, and will cause no manifest injury to the persons owning real estate in the territory sought to be annexed or stricken off, it shall so find, and said annexation or reduction shall be approved and become final. If the court shall be satisfied that seventy-five per cent. or more of the resident freeholders, sought to be annexed or stricken off, have remonstrated, then such annexation or reduction shall not take place, unless the jury shall find from the evidence that failure to annex or strike off will materially retard the prosperity of said city and the owners of the territory sought to become annexed or stricken off. In case the jury shall so find, the annexation or reduction shall take place, notwithstanding the remonstrance. An appeal from the judgment of the court may be taken, but there shall be no change of venue from the county. Costs shall follow the judgment. If the judgment of the court shall be adverse to annexation or reduction, no further effort to annex or strike off such territory shall be made within two years after the rendition of such judgment. The judgment shall, when entered, be certified to the general council of the city, who may thereupon annex to or strike from the city the territory described in the judgment, and such territory shall become,

or cease to become, as the case may be, a part of the city. In accordance with the provisions hereof, it shall be lawful for a city of the second class to annex the territory of a smaller city or town: Provided, That such annexation shall include the whole territory of such smaller city or town."

§ 2. That said section 11 of said act aforesaid, being section 3052 of Kentucky Statutes, 1903, be, and the same is hereby, repealed and stricken out.

§ 3. That said section 13 of said act aforesaid, being section 3054 of Kentucky Statutes, 1903, be, and the same is hereby, repealed and stricken out.

§ 4. This act shall take effect as provided by law.

Said substitute amendment is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the government of cities of the second class in the Commonwealth of Kentucky," approved March 19, 1894, be, and the same is amended as follows: That section 9, article 3 of said act be repealed, and the following be enacted in lieu thereof.

§ 9. Whenever it is deemed desirable to annex any unincorporated territory or any city or town or part of a city or town of the fifth or sixth class, to the city or to reduce the boundaries of the city, the general council thereof may enact an ordinance defining accurately the boundary of the territory proposed to be annexed or stricken off, and such ordinance shall thereupon be published in at least ten issues of the official newspaper of the city. In not less than thirty days after the enactment of such ordinance, if the publication as herein provided has been made, and no petition has been filed in the circuit court as provided in the next section, the general council may, by ordinance, annex to the city the territory described in the ordinance, hereinbefore mentioned, or reduce the limits, as the case may be; and upon the enactment of such ordi-

nance, such territory shall become part of such city, or be stricken therefrom.

§ 2. That section 10 of article 3 of the said act be, and the same is hereby repealed, and that the following be enacted in lieu thereof:

§ 10. Within thirty days after the enactment of an ordinance proposing to annex territory to the city, or to reduce the limits thereof, one or more residents or freeholders of the territory proposed to be annexed or stricken off, may file a petition in the circuit court of the county, setting forth the reasons why such territory, or part thereof, should not be annexed, or why the limits should not be be reduced. Summons shall be issued thereon, and be executed on the mayor of the city, as in other cases, and the answer of the city shall be filed within twenty days after service of the summons. The case shall be tried according to the rules and practice prescribed for the trial of equity cases, but without the intervention of a jury. If the court be satisfied, upon the hearing, that less than 75 per cent. of the freeholders of the territory to be annexed or stricken off have remonstrated, and that the adding or striking off of such territory to the city will be for its interest, and will cause no manifest injury to the persons owning real estate in the territory sought to be annexed or stricken off, it shall so find, and said annexation or reduction shall be approved. If the court shall be satisfied that 75 per cent. or more of the resident freeholders of the territory sought to be annexed or reduction shall not take place, unless the court shall find from the evidence, that a failure to annex or strike off will materially retard the prosperity of such city, and of the owners and inhabitants of the territory sought to be annexed or stricken off. In case the court shall so find, the annexation or reduction shall take place, notwithstanding the remonstrance. An appeal from the judgment of the court may be taken, as in other cases, but there shall be no change of venue from the county. Costs shall follow the judgment. If the judgment of the court be

adverse to annexation or reduction, no further effort to annex or strike off such territory shall be made within two years after the rendition of such judgment.

§ 3. That section 11 of article 3 of said act be, and the same is hereby repealed and that the following be enacted in lieu thereof:

Whenever it is deemed advisable to annex any city of the second, third or fourth class to the city, the general council of the city proposing to annex any such city shall pass an ordinance or resolution declaring it desirable to annex the same and providing that the question of whether or not such city be annexed shall be submitted to the qualified voters thereof, at the next regular election to be held therein. The mayor of the city proposing to annex shall certify the action of the city to the county clerk of the county who shall on the ballots provided for use in the city proposed to be annexed have printed thereon, the question, "'Are you in favor of annexing to the city of —," filling in the blank with the name of the city proposing to annex, and opposite said question he shall print "Yes" or "No," with the proper squares for stamping the cross mark to indicate preference; if two-fifths or more of those voting on the proposition shall vote in favor of annexing, then the city proposing to annex shall pass an ordinance declaring such city annexed, and such city shall therefrom become a part of the city.

§ 4. That section 12 of article 3 of said act be, and the same is hereby repealed, and that the following be enacted in lieu thereof.

§ 12. That whenever the city shall annex any city or town, the city annexing shall be bound for all the debts and liabilities, and shall be the owner of all corporate property, franchises and rights of such city or town, or whenever any unincorporated territory or part of a city or town be annexed, the city annexing same shall be liable for any indebtedness which is attached to or exists against said territory or part of a town or city by reason of the same being then or theretofore a part of any turnpike road district or other taxing district, and the city annexing any such territory shall as-

sume and pay said indebtedness or liability, so that after annexation the burden of taxation shall be uniform throughout the whole city, and provided, further, that if a city shall annex a portion of a city or town, the city annexing shall be liable for that portion of the city or town debts which the value of the real estate in the portion of the city or town annexed bears to the whole value of the real estate in the city or town, according to the assessment of the county assessor next preceding said annexation, and provided, further, that if prior to the annexation of any unincorporated territory, the voters residing therein shall have voted at an election called for said purpose, that no spirituous, malt or vinous liquors shall be sold within said territory, then the city shall after said annexation have no power to grant license to sell any of said liquors within the territory so annexed, nor shall any ever be sold therein.

§ 5. That section 13 of article 3 of said act be, and the same is hereby repealed, and that the following be enacted in lieu thereof:

§ 13. Whenever by extension of its territorial limits as aforesaid, new territory is annexed to any city, the general council shall, by ordinance, organize the same into a new ward or wards, or attach the same to some existing ward or wards long enough before the next ensuing general city election to enable electors in such annexed territory to register, and all other proper steps to be taken according to law, so that the electors in such annexed territory shall have full opportunity to register and vote at such election. Actual residents of any territory at the time of annexation thereof as aforesaid shall, if otherwise qualified, be qualified electors of the city, and be eligible to any office therein at the next general election following such election.

Mr. McLean offered the following amendment to said substitute, viz.:

Moved that section 4 of substitute, for House Bill 47, be amended by inserting after the words "whole city," and preceding

the word "and" in the sixteenth line of said section, the following: "and whenever the powers granted by this act shall have been exercised by any city, and any part of the country in which said city is located, shall have been annexed to and become a part of such city, then the said city, if not exempted, as of date January 1, 1906, shall never thereafter be exempted in any manner from paying its ratable proportion of the money required to be raised by taxation for the purpose of constructing and maintaining the free turnpikes and other public roads of the county, nothing herein shall be construed to impose upon any city any liability for the payment of said taxes, where the same under the laws governing the construction of said turnpikes were heretofore exempted from payment thereof."

Said amendment was agreed to.

Mr. Simmons offered the following amendment to said substitute, viz.:

"Strike out section two (2) thereof."

Said amendment was disagreed to.

Mr. Simmons offered the following amendment, viz.:

To amend substitute for House Bill No. 47, by inserting the words "fifth or sixth," and striking out the word "or" in the fifth line of section 3, thereof, so that said part of said proposed bill shall read as follows:

"Whenever it is deemed advisable to annex any city of the second, third, fourth, fifth or sixth class to the city, the general council of the city," etc.

Said amendment was disagreed to.

Mr. Simmons offered the following amendment to said substitute, viz.:

To amend substitute for House Bill No. 47, by striking out the words "two-fifths" in the line of the third section thereof, and inserting in place thereof the words "one-half."

Said amendment was disagreed to.

Mr. Simmons offered the following amendment to said substitute, viz.:

To amend substitute for House Bill No. 47, by substituting for the words "but without the intervention of a jury," in the line thereof, the words: "provided that either side may demand a trial by jury to determine the issues of fact involved, which trial shall be held at the county seat of the county in which the smaller of the cities affected by the proposed annexation shall be situated."

Said amendment was disagreed to.

Said substitute amendment as proposed by the committee, as amended was then adopted.

Ordered that said bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | H. H. Griffin, | J. M. Robertson, |
| Louis W. Arnett, | John C. Griffith, | Richard S. Rose, |
| John Barr, | James A. Hagan, | J. T. Royalty, |
| E. Barry, | W. C. Halbert, | S. M. Russell, |
| W. G. Baxter, | Albert Hamilton, | J. T. Scott, |

B. O. Becker,
Peter Best, Jr.,
Joe F. Bosworth,
H. Kirby Bourne,
J. C. Byland,
W. T. Cain,
M. F. Campbell,
Bennett Clarke,
J. W. Clay,
H. K. Cole,
W. H. Cole,
Henry M. Cox,
Charles I. Dawson,
A. L. Denny,
Thomas Drewry,
J. A. Frazier,
M. T. Freeman,
Taylor P. Gabbard,
Lloyd W. Gates,
W. J. Gooch,
J. A. Hamon,
C. W. G. Hannah,
L. P. Head,
D. C. Hopper,
Wm. F. Klair,
Geo. D. Litsey,
H. M. McCarty,
Virgil McKnight,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
Chris Mueller,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
M. M. Redwine,
Ed. H. Shellman,
Emmet P. Slattery,
W. W. Smith,
W. H. Southall,
Hub L. Stevens,
Zeb. A. Stewart,
D. P. Taggart,
C. C. Terry,
A. J. Thompson,
C. F. Thornton,
Harry Weitkamp,
T. A. Weldon,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson,
Wm. Wilt,
W. T. Wright—73.

Those who voted in the negative were—

N. B. Chipman,
Lawrence J. Diskin,
Robert Enlow,
A. J. Gorham,
Paul Gullion,
W. J. Jackson,
John R. Ray,
R. C. Simmons,
George W. Stone,
J. Hal Woodford,
James C. Yaden—11.

Resolved, That the title thereof be as follows, viz.: An act to amend an act, entitled An act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894.

Mr. Klair moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

In accordance with the resolution adopted by the House and concurred in by the Senate, viz.:

H. Res. 12. Resolution providing for the observance of the 12th day of February in commemoration of the birth of Abraham Lincoln.

The Speaker appointed as the committee provided for therein, Messrs Denny, Alverson and Campbell.

Leave of absence for an indefinite time was granted Mr. Cole.

Mr. Klair moved that the House do now adjourn until Monday next, at 12 o'clock M.

Said motion was agreed to.

And then the House adjourned.

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MONDAY, JANUARY 29, 1906.

The House was opened with prayer by the Rev. J. O. A. Vaught, pastor of the Methodist Episcopal church, South.

The reading of the Journal of the proceedings of Friday last, was dispensed with, and the same was proved.

The House took from the order of the day, a bill, entitled

H. B. 61. An act relating to annnulling charters to towns of the sixth class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. A majority of the voters residing in an incorporated town of the sixth class may file a petition asking that its charter be dissolved or annulled.

§ 2. Whenever a petition signed by a majority of the persons entitled to vote living within the boundary of the proposed town is filed in the circuit court clerk's office of the county in which a greater part of the town is located not less than twenty days before the commencement of the next regular term of said court, the petitioners shall cause notice of the filing of such petition and the object thereof to be published in two issues of some newspaper of general circulation published in the county, or if none, by notices posted up for at least ten days before the commencement of the term. One at the court house door and the others at public places within the boundary of the proposed town. The petition shall set out the metes and bounds of the towns, and the number of voters and inhabitants residents within the boundary thereof and such other facts as may be thought proper.

§ 3. Defense may be made to the petition by any voter of the town, and if a defense is made the court shall hear and determine the same and may render judgment dissolving and annulling the charter. The pleadings and practice except as herein provided shall be the same as in equity cases, an appeal shall be from the judgment, provided the record is filed in the clerk's office of the Court of Appeals twenty days prior to the second term of the Court of Appeals after the rendition of the judgment.

Ordered, That said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title, and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitutions, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | A. J. Gorham, | M. M. Redwine, |
| Louis W. Arnett, | H. H. Griffin, | Richard S. Rose, |

| | | |
|---|---|---|
| John Barr, | John C. Griffith, | S. M. Russell, |
| E. Barry, | B. P. Grigsby, Sr., | Ed. H. Shellman, |
| B. O. Becker, | Paul Gullion, | R. C. Simmons, |
| Peter Best, Jr., | W. C. Halbert, | Emmet P. Slattery, |
| Joe F. Bosworth, | J. A. Hamon, | W. W. Smith, |
| H. Kirby Bourne, | C. W. G. Hannah, | W. H. Southall, |
| J. C. Byland, | L. P. Head, | Hub L. Stevens, |
| W. T. Cain, | D. C. Hopper, | Zeb. A. Stewart, |
| M. F. Campbell, | W. J. Jackson, | George W. Stone, |
| N. B. Chipman, | L. F. Johnson, | D. P. Taggart, |
| Bennett Clarke, | Wm. F. Klair, | C. F. Thornton, |
| W. D. Claybrooke, | Geo. D. Litsey, | Harry Weithamp, |
| W. H. Cole, | Virgil McKnight, | W. T. White, |
| Henry M. Cox, | M. H. McLean, | John B. Wicker, |
| Ed. Croan, | Henry C. Miller, | Geo. S. Wilson, |
| A. L. Denny, | R. W. Miller, | J. T. Wilson, |
| Thomas Drewry, | James S. Morris, | Munnell Wilson, |
| W. Reed Embry, | Ed. Mulcahy, | Wm. Wilt, |
| Robert Enlow, | Ion B. Nall, | J. Hal Woodford, |
| M. T. Freeman, | W. J. Osborne, | W. T. Wright, |
| Taylor P. Gabbard, | Henry G. Overstreet, | James C. Yaden, |
| Lloyd W. Gates, | C. M. Paynter, | J. A. Yates, |
| W. J. Gooch, | John R. Ray, | Will A. Young—75. |

Those who voted in the negative—none.

Resolved, That the title thereof be as aforesaid.

Mr. Bourne moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took from the orders of the day a bill, entitled

H. B. 60. An act amending section 1 of an act to prevent the adulteration, mixing and misbranding orchard grass seed and other seed by including timothy seed, and fixing a punishment therefor.

Together with the amendment proposed by the committee.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of said act be amended to read as follows:

"That the selling, offering or exposing for sale of any orchard grass, Kentucky blue grass, timothy, red clover, mammoth clover or alfalfa seeds which are mixed, adulterated or misbranded within the meaning of this act is hereby prohibited, and any person who shall sell, offer, or expose for sale any such seeds, which are mixed, adulterated or misbranded, and known by the persons offering, selling or exposing same for sale to be so mixed, adulterated and misbranded, and done with fraudulent intent within the meaning of this act, shall be guilty of a misdemeanor, and for such offense shall be fined not less than twenty-five dollars nor more than one hundred dollars for the first offense, and for each subsequent offense not more than two hundred dollars, or be imprisoned six months, or both, in the discretion of the court.

The amendments proposed thereto by the committee are as follows, viz.:

Add the following to said bill:

§ 2. That section 4 be amended to read as follows:

Mixing and adulterating that for the purposes of this act deemed to be mixed or adulterated.

Subsection 1. When orchard grass (dactylis glomerata) seed contains five per cent. or more, by weight, of meadow fescue (festuca elatior pratensis), English rye grass (lolium perenne), or Italian rye grass (lolium Italicum) seed.

Subsec. 2. When Kentucky blue grass seed (poa pratensis), also known as bluegrass seed, contains five per cent. or more, by weight, of Canada bluegrass (poa compressa) seed.

Subsec. 3. When timothy (phleum pratense) seed contains five per cent. or more, by weight, of any other seed or foreign substance.

Subsec. 4. When red clover (trifolium pratense), also known as clover, common red clover, June clover, small red clover and medium red clover, mammoth red clover (trifolium pratense), also known as sapling clover and peavine clover or alfalfa (medicago sativa) seed contains five per cent. or more, by weight, of yellow trefoil (medicago impulina) or sweet clover (melilotus alba or melilotus officinalis) seed.

The provisions of this act shall not apply, however, to mixed seed when the packages are plainly marked with the correct percentage of weight and the name of the kinds of seeds composing the mixture. Nor to the growers of seeds who, in good faith, have offered seeds for sale grown by them and which may be found to contain foreign seed.

MISBRANDING.

§ 3. That section 5 under misbranding, be amended to read as follows:

That any person who sells, offers or exposes for sale any Kentucky bluegrass, timothy seed, red clover, mammoth clover or alfalfa seeds which are mixed, adulterated or misbranded, within the meaning of this act, shall forfeit the same, and they shall be seized by the sheriff or constables of any county in which such seizure was made.

§ 4. That this act shall take effect and be enforced from and after its passage.

Said amendment was agreed to.

Ordered, That said bill, as amended, be engrossed and read the third time.

The provision of the Constitution as to the third reading of the said bill at length being dispensed with, and the same being engrossed, the said bill, as amended, was read the third time by its title, and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | W. J. Gooch, | John R. Ray, |
| Louis W. Arnett, | A. J. Gorham, | M. M. Redwine, |
| John Barr, | John C. Griffith, | Richard S. Rose, |
| E. Barry, | B. P. Grigsby, Sr., | S. M. Russell, |
| B. O. Becker, | Paul Gullion, | Ed. H. Shellman, |
| Peter Best, Jr., | W. C. Halbert, | R. C. Simmons, |
| Joe F. Bosworth, | Albert Hamilton, | Emmet P. Slattery, |
| H. Kirby Bourne, | J. A. Hamon, | W. W. Smith, |
| J. C. Byland, | C. W. G. Hannah, | W. H. Southall, |
| W. T. Cain, | L. P. Head, | Hub L. Stevens, |
| M. F. Campbell, | D. C. Hopper, | Zeb. A. Stewart, |
| N. B. Chipman, | W. J. Jackson, | George W. Stone, |
| Bennett Clarke, | L. F. Johnson, | D. P. Taggart, |
| W. D. Claybrooke, | Wm. F. Klair, | C. F. Thornton, |
| W. H. Cole, | Geo. D. Litsey, | Harry Weitkamp, |
| Henry M. Cox, | Virgil McKnight, | W. T. White, |
| Ed. Croan, | M. H. McLean, | John B. Wicker, |
| Charles I. Dawson, | Henry C. Miller, | Geo. S. Wilson, |
| Thomas Drewry, | R. W. Miller, | J. T. Wilson, |
| W. Reed Embry, | James S. Morris, | Munnell Wilson, |
| Robert Enlow, | Ed. Mulcahy, | Wm. Wilt, |
| J. A. Frazier, | Ion B. Nall, | J. Hal Woodford, |
| M. T. Freeman, | W. J. Osborne, | W. T. Wright, |
| Taylor P. Gabbard, | Henry G. Overstreet, | James C. Yaden, |
| Lloyd W. Gates, | C. M. Paynter, | Will A. Young—75. |

Those who voted in the negative—none.

A further amendment proposed by the committee to said bill was as follows, viz.:

Amend the title of said bill so as to read as follows:

"An act amending an act, which was enacted by the General

Assembly of 1904, and approved March 24, 1904, entitled An act to prevent the adulteration, mixing and misbranding of orchard grass and other seeds, and fixing a punishment therefor."

Said amendment was agreed to.

Resolved, That the title thereof be as last above named.

The House took from the orders of the day a bill entitled

H. B. 82. An act to provide for the payment of interest and to create a sinking fund for the ultimate redemption of county bonds issued for the benefit of certain turnpikes taxing districts.

Together with an amendment offered thereto by the committee.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Whenever in any county, under laws heretofore enacted, creating a general county turnpike taxing district within and composed of a part of such county and road districts within such general county turnpike taxing district and providing for the issue of the bonds of the county for the benefit of such general county turnpike taxing district, for the purpose of building turnpikes in such general county turnpike taxing district, and the road districts therein and paying the cost thereof, which bonds were to be redeemed under the provisions of such laws by taxes levied partly on the entire property in such general county turnpike taxing district, and by taxes levied partly on property in a road district or road districts within such general county turnpike taxing district, it shall be lawful and the fiscal court of any such county is empowered to levy a uniform tax on all the taxable property in such general county turnpike taxing district as the same was bounded at the time such law or laws went into effect, to pay the interest on any indebtedness created under such law or laws which may still be

unpaid, and to create a sinking fund for the ultimate payment thereof; Provided, however, That no part of any territory which may have formed a part of such general county turnpike taxing district, and which, since the creation of any part of such indebtedness may have been annexed to any cities or towns within such county, but not within such general county turnpike taxing district, nor subject to the provisions of such law or laws, shall be required to pay any part of such indebtedness created subsequent to such annexation.

§ 2. All laws and parts of laws in conflict herewith are hereby repealed.

The amendment as proposed by the committee thereto is as follows, viz.:

"§ 3. Whereas, It appears that immediate provision must be made for the payment of bonds and the interest thereon, which have been issued under laws herein referred to, an emergency is hereby declared to exist, and this act shall taffe effect from and after its approval by the Governor."

Said amendment was agreed to.

Ordered, That said bill, as amended, be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and the same being engrossed, said bill was read the third time by its title, and passed.

The yeas and nays being taken thereon on the passage of said bill, in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | Lloyd W. Gates, | M. M. Redwine, |
| Louis W. Arnett, | W. J. Gooch, | Richard S. Rose, |
| John Barr, | A. J. Gorham, | S. M. Russell, |

E. Barry,
B. O. Becker,
Peter Best, Jr.,
Joe F. Bosworth,
H. Kirby Bourne,
J. C. Byland,
W. T. Cain,
M. F. Campbell,
N. B. Chipman,
Bennett Clarke,
W. D. Claybrooke,
W. H. Cole,
Ed. Croan,
Charles I. Dawson,
A. L. Denny,
Thomas Drewry,
W. Reed Embry,
Robert Enlow,
J. A. Frazier,
M. T. Freeman,
Taylor P. Gabbard,
H. H. Griffin,
John C. Griffith,
B. P. Grigsby, Sr.,
Paul Gullion,
Albert Hamilton,
J. A. Hamon,
C. W. G. Hannah,
L. P. Head,
D. C. Hopper,
W. J. Jackson,
L. F. Johnson,
Wm. F. Klair,
Geo. D. Litsey,
Virgil McKnight,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
Henry G. Overstreet,
Ed. H. Shellman,
R. C. Simmons,
Emmet P. Slattery,
W. W. Smith,
W. H. Southall,
Hub L. Stevens,
George W. Stone,
C. C. Terry,
C. F. Thornton,
Harry Weitkamp,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson,
Wm. Wilt,
J. Hal Woodford,
W. T. Wright,
James C. Yaden,
Will A. Young—71.

Those who voted in the negative were—

Zeb. A. Stewart,

Resolved, That the title thereof be as aforesaid.

The House took from the orders of the day a bill, entitled

H. B. 41. An act to amend section 1 of an act empowering the county courts of this Commonwealth to authorize the drainage of lands where the same shall be conducive to the public health or convenience of its inhabitants, approved March 23, 1900, same being article 8, chapter 76, Kentucky Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1 of the act of March 23, 1900, for the drainage of wet lands, article 8, chapter 76, of the Kentucky Statutes, be, and the same is hereby, amended by striking out the words "drain or water course." Said section, when amended and re-enacted, shall read as follows:

"That the county judge of any county shall have power, at any regular session of the county court, when the same shall be conducive to the public health, convenience or welfare, or when the same will be of public benefit or utility, to cause to be constructed or cleaned out or straightened as hereinafter provided, any ditch with or without arms or branches or forks or tributaries within said county.

Mr. J. T. Wilson moved that the further consideration of said bill be postponed until to-morrow at 12 o'clock m.

Said motion was disagreed to.

Mr. George S. Wilson offered the following amendment to said bill:

Amend bill 41 by striking out the word "drain" in third line and by inserting "drain" in tenth line.

Said amendment was agreed to.

Ordered, That said bill, as amended, be read the third time.

The provisions of the Constituton as to the third reading of the said bill at length being dispensed with and the same being engrossed, said bill was read the third time by its title, and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| John Barr, | H. H. Griffin, | Henry G. Overstreet, |
| E. Barry, | John C. Griffith, | C. M. Paynter, |
| B. O. Becker, | Paul Gullion, | John R. Ray, |
| Joe F. Bosworth, | W. C. Halbert, | Richard S. Rose, |
| H. Kirby Bourne, | Albert Hamilton, | S. M. Russell, |
| W. T. Cain, | J. A. Hamon, | Ed. H. Shellman, |
| M. F. Campbell, | L. P. Head, | R. C. Simmons, |
| W. D. Claybrooke, | D. C. Hopper, | Emmet P. Slattery, |
| W. H. Cole, | W. J. Jackson, | W. W. Smith, |
| Henry M. Cox, | L. F. Johnson, | W. H. Southall, |
| Thomas Drewry, | Wm. F. Klair, | Hub L. Stevens, |
| W. Reed Embry, | Geo. D. Litsey, | George W. Stone, |
| Robert Enlow, | Virgil McKnight, | D. P. Taggart, |
| J. A. Frazier, | Henry C. Miller, | C. F. Thornton, |
| M. T. Freeman, | R. W. Miller, | Harry Weitkamp, |
| Taylor P. Gabbard, | James S. Morris, | Wm. Wilt, |
| Lloyd W. Gates, | Ed. Mulcahy, | W. T. Wright, |
| W. J. Gooch, | Ion B. Nall, | James G. Yaden. |
| A. J. Gorham, | W. J. Osborne, | Will A. Young—57. |

Those who voted in the negative were—

| | | |
|---|---|---|
| Charles I. Dawson, | Zeb. A. Stewart, | J. T. Wilson, |
| M. H. McLean, | Geo. S. Wilson, | Munnell Wilson—6. |

Resolved, That the title thereof be as aforesaid.

Mr. Overstreet moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

Leave of absence for an indefinite time was granted Messrs. H. K. Cole, Jno. A. Stevens, Blair, Jones, Thompson, Mitchell and Royalty.

Mr. Drewry offered the following resolution, viz.:

Resolved, That the clerk of the House be, and is hereby, au-

thorized to have printed for the use of the members the proposed revenue bill, better known as House Bill No. 1, in parallel columns with the existing revenue and taxation laws of the State.

Said resolution was disagreed to.

Mr. Drewry offered the following resolution, viz.:

Whereas, To-morrow, Tuesday, January 30, 1906, will be the anniversary of the day on which Gov. Wm. Goebel was shot down in the shadow of this historic capitol; and

Whereas, We recognize the great ability and eminent public service of the martyred Governor, in appreciation of that ability, and with a solemn sense of deep regreet at the deep damnation of his taking off, be it

Resolved, That when the House adjourn to-day it adjourn until Wednesday, out of respect to the memory of the honored dead.

Said resolution was disagreed to.

And then the House adjourned.

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## TUESDAY, JANUARY 30, 1906.

The House was opened with prayer by the Rev. T. F. Taliaferro, of the Methodist Episcopal Church, South.

The reading of the Journal of yesterday's proceedings was dispensed with and the same was approved.

Mr. McKnight moved that the special order originally made for to-day, to-wit: The memorial services in commemoration of the anniversary of the day on which Gov. Wm. Goebel was assassinated, be, and the same is, postponed, and is not set for Tuesday next, February 6, 1906.

Said motion was agreed to.

Upon the call of the counties and Representative districts, the following bills and joint resolution were introduced, ordered to be printed, and referred to the several committees, viz.:

By Mr. White:

H. B. 339. An act for the benefit of Mrs. T. H. Corbett, widow of the late T. H. Corbett, Register of the Land Office.

Referred to Committee on Appropriations.

Mr. Becker:

H. B. 340. An act in regard to the exemption of wages of persons who work for wages.

Referred to Committee on Kentucky Statutes.

By Mr. Embry:

H. B. 341. An act authorizing William Boling to sue the Commonwealth of Kentucky:

Referred to Committee on Judiciary.

By Mr. Redwine:

H. B. 342. An act to amend section 1085, article 7, chapter 35, Kentucky Statutes, and providing the place for holding justice's courts.

Referred to Committee on Kentucky Statutes.

By same:

H. B. 343. An act to amend section 440, article 2, chapter 25, Kentucky Statutes, and providing for the place of maintaining office of constable.

Referred to Committee on Kentucky Statutes.

By Mr. Overstreet:

H. B. 344. An act relating to the collection of State, county or other taxes required by law to be collected by sheriffs or other collectors of taxes.

Referred to Committee on Kentucky Statutes.

By Mr. Gabbard:

H. R. 15. Resolution providing an American flag for the State capitol of Kentucky.

Referred to Committee on Federal Relations.

By Mr. Klair:

H. B. 345. An act to amend section 20 of article 4 of an act, entitled An act for the government of cities of the second class.

Referred to Committee on Municipalities.

By Mr. Wilt:

H. B. 346. An act to amend chapter 29, article 31, section 6, of the General Statutes.

Referred to Committee on Judicary.

By Mr. Litsey:

H. B. 347. An act to define the authority and make final the rulings of the circuit judges on objection to argument of counsel.

Referred to Committee on Circuit Courts.

By Mr. J. T. Wilson:

H. B. 348. An act to create the office of "Weights and Measures" and to provide penalties for false weights and measures.

Referred to Committee on Kentucky Statutes.

By same:

H. B. 349. An act to regulate the operation of railways in counties of this State at public crossings.

Referred to Committee on Railroads.

By Mr. Bourne:

H. B. 350. An act relating to the signing of writings or obli-

gations without the written consent of the surety and fixing punishment therefor.

Referred to Committee on Judiciary.

By same:

H. B. 351. An act relating to persons between the ages of sixteen and twenty-one visiting saloons, and fixing punishment therefor.

Referred to Committee on Judiciary.

By Mr. Smith (by request):

H. B. 352. An act to authorize and empower the general council of the cities of the first class in Kentucky to sell and convey the stock and assets, real and personal, tangible and intangible of the water companies owned by such cities.

Referred to Committee on Municipalities.

By Mr. Simmons:

H. B. 353. An act to amend section 1886 of the Kentucky Statutes, edited and compiled by J. D. Carroll, issued in 1893.

Referred to Committee on Judiciary.

By Mr. McLean:

H. B. 354. An act to amend and re-enact section 4096, Kentucky Statutes, 1903, edited and compiled by J. D. Carroll.

Referred to Committee on Revenue and Taxation.

By Mr. Halbert:

H. B. 355. An act to amend section 579, Civil Code, entitled "Powers of Officers Taking Depositions."

Referred to Committee on Criminal Code.

By same:

H. B. 356. An act to provide counsel for indigent persons in

dicted in this State, and provide compensation for such counsel in certain cases.

Referred to Committee on Criminal Law.

By Mr. Barry:

H. B. 357. An act to further regulate elections in this Commonwealth.

Referred to Committee to Public Morals.

By Mr. Head:

H. B. 358. An act to amend and re-enact section 3140, Kentucky Statutes.

Referred to Committee on Municipalities.

By Mr. Cox:

H. B. 359. An act to allow compensation to attorneys appointed by the court.

Referred to Committee on Circuit Courts.

By same:

H. B. 360. An act to amend an act, entitled An act providing for the creation and regulation of private corporations.

Referred to Committee on Corporate Institutions.

By Mr. Beard:

H. B. 361. An act for the better protection of passengers and property being carried by the railroads of this Commonwealth.

Referred to Committee on Railroads.

By Mr. Gooch:

H. B. 362. An act to divide the State of Kentucky into one hundred Representative districts.

Referred to Committee on Redistricting.

By Mr. Stone:

H. B. 363. An act for the better management of certain schools.

Referred to Committee on Education No. 2.

By Mr. Cole (from Committee on Municipalities):

H. B. 364. An act to amend section 3290 of chapter 89, Kentucky Statutes, relative to third-class cities.

Referred to Committee on Municipalities.

By Mr. Mueller:

H. B. 365. An act to further amend an act, entitled An act relating to fees, approved June 15, 1893, as heretofore amended March 21, 1900, being section 1761, Kentucky Statutes.

Referred to Committee on Kentucky Statutes.

By Mr. Bourne:

H. B. 366. An act relating to fire and life insurance companies to be required to keep bonds and securities on deposit with the Insurance Commission of the par value of one hundred thousand dollars.

Referred to Committee on Insurance.

By Mr. Thornton:

H. B. 367. An act, entitled An act to amend section 1785 of article 1, chapter 48, of Kentucky Statutes, Carroll Edition, by giving the part owner of a division fence a lien upon the land of the other part owner for the costs of repairing or building a division fence between them.

Referred to Committee on Kentucky Statutes.

Mr. Nall, of the Committee on Enrollments, reported that said committee had examined and found correctly enrolled the resolution, entitled

H. Res. 3. A resolution appropriating money to pay for repairing and re-covering desks of members in hall of House of Representatives.

Thereupon, all other business was suspended and said resolution was read at length and compared in open session; and being found correctly enrolled, the Speaker, in the presence of the House, affixed his signature thereto.

Ordered, That the enrolling clerk deliver the same to the Senate for similar action.

After a time the enrolling clerk delivered said original resolution and the enrolled copy thereof to the chief clerk of this House.

Ordered, That the chief clerk of this House deliver the enrolled copy of the same to the Governor.

After a time the said chief clerk reported that he had delivered the same to the Governor on this day.

A message was received from the Senate announcing that they had concurred in a resolution which orignated in the House, entitled

H. Res. 1. Resolution providing for furnishing copies of the Kentucky Statutes and Codes of Practice to chairmen of the several committees of Senate and House, and the Official Manual of Kentucky to the members of the General Assembly and certain officials.

That they had passed bills of the following titles:

(1) S. B. 2. An act to amend section 664, subdivision 3, article 4, chapter 32, Kentucky Statutes.

(2) S. B. 3. An act to amend section 679, subdivision 3, article 4, chapter 32, Kentucky Statutes.

(3) S. B. 9. An act for the benefit of the Eastern Kentucky Asylum for the Insane at Lexington.

(4) S. B. 60. An act to regulate the assignment of future earnings or unearned wages of employes.

(5) S. B. 69. An act authorizing the condemnation of lands and material by corporations or companies organized for the purpose of constructing, maintaining or operating union railway stations.

(6) S. B. 96. An act to amend and re-enact section 12 of an act, entitled An act concerning the militia of the Commonwealth of Kentucky, approved March 13, 1893, and being section 2663 of the Kentucky Statutes.

(7) S. B. 98. An act to amend and re-enact section 3219 of the Kentucky Statutes.

(8) S. B. 156. An act authorizing the court of appeals to appoint a commissioner of the court of appeals.

Said bills were ordered to be printed, and were, by the Speaker, referred: Nos. 1 and 2 to the Committee on Judiciary; No. 3 to the Committee on Charitable Institutions; Nos. 4 and 7 to the Committee on Municipalities; No. 5 to the Committee on Railroads; No. 6 to the Committee on Military Affairs; No. 8 to the Committee on Court of Appeals.

Mr. Alverson offered the following resolution, viz.:

Be it resolved by the House of Representatives, That there be allowed to the Committee on Charitable Institutions of the House the sum of $312.60 for the actual expenses of said committee in visiting the Western Kentucky Asylum for the Insane, at Hopkinsville, the Lakeland Asylum for the Insane, at Anchorage, and the Deaf and Dumb Institute at Danville; said amount to be certified by the clerk of this House as a contingent expense of same; and the Auditor of Public Accounts is hereby directed to draw his warrant upon the Treasurer in favor of C. W. Longmire, sergeant-at-arms

of the House for said amounts, who shall distribute said amount among the members of said committee as their claims appear.

Said resolution was agreed to.

Mr. Southall offered the following resolution, viz.:

Be it resolved by the House of Representatives, That there be allowed to James G. Yaden the sum of one hundred dollars ($100) for his attorney's fees and expenses in the contest of W. M. Howard vs. James G. Yaden, to be certified by the clerk of this House as a contingent expense of same, and the Auditor of Public Accounts is hereby directed to draw his warrant upon the Treasurer in favor of said James G. Yaden for said sum.

Said resolution was agreed to.

Mr. Terry offered the following resolution, viz.:

Whereas, The Committee on Penitentiaries and Houses of Reform was ordered to visit and inspect the penitentiary at Eddyville, Ky., and did so do, and that the sergeant-at-arms of the Senate expended for its traveling expenses the sum of $257.12 while on said trip; be it

Resolved, That the sergeant-at-arms be, and he is hereby, allowed the sum of $257.12 for the expenses of said committee to Eddyville, Ky., to be paid as contingent expenses of the House of Representatives, and the Auditor is directed to draw his warrant upon the Treasurer when a copy of these resolutions are presented to him, signed by the clerk of the House of Representatives.

Said resolution was agreed to.

Mr. Terry, of the special committee heretofore appointed by this House, sent to the clerk's desk the following communication, viz.:

Glasgow, Ky., Jan. 26, 1906.

Hons. C. C. Terry, Virgil McKnight and James F. Bosworth,
Committee.

Gentlemen:—Two days ago I was the recipient of your kind communication of date 23d instant, advising me of the action of the House of Representatives of the General Assembly of the Commonwealth of Kentucky in adopting a resolution "inviting my presence before" that honorable body and there be heard.

While I may offer words of congratulation, and again upon the floor of that venerable State-house interchange councils with the Representatives of this grand old State's great people, and, in the spirit of highest appreciation of this great compliment, I shall hope to be with you on the 31st (next Wednesday) and enjoy the rich pleasures of that occasion.

I have the honor to be, and subscribe myself,

Very truly,

PRESTON H. LESLIE.

Which was read.

Mr. McKnight, of said special committee, moved that the reception by this House of ex-Gov. Preston H. Leslie be, and the same is, made a special order of the day for to-morrow at 11 o'clock.

Said motion was agreed to.

At 11 o'clock a. m. the House took up for consideration the special order of the day for that hour, to-wit: A bill, entitled

H. B. 20. An act to promote the sheep industry and provide a tax on dogs.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Each year every dog over four months old shall be listed

for taxation as herein provided, either by the owner or by the assessor in the name of the owner, without fixing any valuation thereto; Provided, The owner may, if he so desires, affix any value thereto he wishes. Every person who keeps or harbors a dog, or who knowingly permits the keeping or harboring of a dog upon his premises, shall, for the purposes of listing and taxation, be deemed the owner thereof; and the assessor and his deputies shall ascertain the owner or harborer of each dog within his territory, and list and return the same by magisterial districts. The Auditor shall provide blank spaces in assessors' books and schedules, and the assessor in listing a dog shall enter its description upon the schedule, stating the kind, sex, age, color, size and name, if any.

§ 2. The owner of every dog over four months of age shall pay a license tax thereon of one dollar. The first assessment under this act shall be made in the year 1906, between the fifteenth day of September and the thirty-first day of December. Said license tax shall be due and collectible as other taxes, and collected by the sheriff and reported to the auditor and paid to the treasurer, but the sheriff shall keep such licensed tax on dogs separate from other funds, and so report to the auditor and pay to the treasurer, and the treasurer and auditor shall keep separate accounts of such taxes by counties. The amounts collected by license tax on dogs shall be used to indemnify losses by the killing or injuring of sheep by dogs, as herein provided.

§ 3. Whenever any sheep are killed or injured by dogs, the owner or person having custody of same shall, without delay and within twenty-four hours after such killing or injury is made known to him, notify the magistrate in whose district the sheep are located and make affidavit setting forth the number of sheep killed and the number injured, the kind, grade or quality, amount and nature of injury thereto, and that such damage was not caused in whole or in part by a dog owned or harbored by him, and that he does not know whose dog caused the damage, or, if known, and such account reduced to judgment could not be collected on execution. The mag-

istrate shall then appoint two disinterested and discreet freeholders of the neighborhood where the injury was done, to appraise the damage, and shall furnish them with claimants' affidavit or a copy thereof, and the appraisers shall forthwith examine such sheep and make a written report on the claim to the magistrate, who shall forthwith forward the claimants' affidavit and the appraisers' report to the county clerk, together with his recommendation endorsed thereon. The clerk shall file same in his office, and endorse thereon the date of such filing. The magistrate and each of the appraisers shall be allowed fifty cents for their services, to be paid out of the dog tax fund of such county as other claims.

§ 4. At each meeting of the fiscal court the claims for loss or damage to sheep, which have been filed not less than thirty days prior to such meeting, shall be taken up and considered, and rejected, or, if correct and just, allow the same, or such parts thereof as may be deemed right; Provided, That the fiscal court may require additional evidence on any such claims, either by oral testimony or affidavits. Such claims as are allowed shall be filed with the Auditor, who shall, after the first of January of each year, take up all such claims by counties, and draw his warrants upon the Treasurer in favor of claimant for the amount allowed by the fiscal court: Provided, If the amount of the dog tax fund to the credit of any county be not sufficient to pay all claims from such county, the Auditor shall pro rate the claims for such county. Any surplus remaining to the credit of a county after all such claims are allowed, shall be transferred to the credit of the school fund of such county.

§ 5. Every person owning or harboring a dog shall be liable to the party injured for all damages done by such dog; but no recovery shall be had for personal injuries to any person when they are upon the premises of the owner of the dog after night, or upon the owner's premises engaged in some unlawful act in the day time. Whenever a recovery is had before any court for damages to sheep by a dog, the court may order the defendant to kill or cause to be killed such dog within two days after the rendition of the judgment.

§ 6. Any dog returned for taxation, and the tax on which is paid when due, shall be regarded as property and shall be entitled to the same protection as live stock. The owner of any dog listed for taxation which may be injured or killed contrary to law, or carried or enticed away from the premises of the owner or harborer, for the purpose of killing or injuring such animal, or depriving the owner thereof, may recover exemplary damages of the person for so killing or injuring or enticing away such day; Provided, That in the trial of any action for damages arising under this section it shall be competent to offer in evidence whether in listing such dog any value was affixed by the owner and the amount of such valuation. And any person violating the provisions of this section shall be liable to prosecution as in case of injuring any live stock or personal property of another.

§ 7. Any owner or harborer of a dog, subject to be taxed, who shall fail or refuse to list the same with the assessor, shall be fined in any sum, not exceeding $10 for each dog he so fails or refuses to list for taxation; and any person who shall keep or harbor a dog upon his premises or elsewhere, and who fails or refuses to pay the tax thereon when due, shall be fined in any sum not exceeding $25 for each offense, and upon conviction the judgment may include an order requiring such dog to be killed, which order may be executed by any peace officer, who shall be allowed $1 therefor, to be taxed as costs. It shall be the duty of the sheriff and his deputies, and each constable in his district, to kill, or cause to be killed, any dog, the owner of which has failed or refused to pay the tax thereon when due, and for each dog so killed, without the order of a court, such officer shall be allowed by the fiscal court fifty cents, to be paid out of the dog tax fund. For the purposes of this act the tax on dogs shall be considered due on the first day of March of each year; Provided, however, The sheriff may collect such tax at any time and in such manner as taxes are now collectible by law.

§ 8. If any person shall willfully poison any dog not his own, or put out any poison or poison bait upon his own premises or else-

where, where the same may poison any dog, shall be fined not less than $25 nor more than $100 or be confined in the county jail for any period not exceeding six months, or shall be both so fined and imprisoned, in the discretion of the jury. Any person violating the provisions of this section shall be liable in damages for any dog poisoned thereby.

§ 9. A justice of the peace, on proof that any dog is mad, or has been bitten by a mad dog, or has killed or wounded any sheep, may order such dog to be killed; and the officer who executes the order shall be paid one dollar by the owner of the dog and collected as costs. If any person shall conceal a dog so ordered to be killed, or prevent the execution of the order, he shall be fined $5 for every day he shall so offend. Any mad dog or dogs having the disease known as the "rabies" may be killed by any person, except when confined by the owner upon his own premises.

§ 10. That an act, entitled "An act to amend chapter 29, General Statutes," approved May 17, 1886, be, and the same is hereby, repealed, and all laws in conflict with this act are, to the extent of such conflict, hereby repealed.

Mr. Jas. S. Morris offered the following several amendments to said bill, viz.:

In section 4, after the word "just" on line 4, insert the words "the court shall."

In line 8 of section 6 strike out the word "day" and insert the word "dog."

Amend section 8 so that it shall read as follows:

"§ 8. If any person shall willfully poison any dog not his own, and not upon the premises of the one so poisoning, he shall be fined not less than five dollars nor more than twenty-five dollars. Any person violating the provisions of this section shall be liable to damages for any dog poisoned thereby, but nothing herein

shall be construed to affect or render invalid any ordinance of any city providing for killing dogs running at large."

Strike out the word "may" at the end of line 2, section 9, and insert on line thereof the word "shall" and strike out of lines 8 and 9 of same section the words "except when confined by the owner upon his own premises."

Said several amendments, as proposed by Mr. Jas. S. Morris, were severally agreed to.

Mr. Johnson offered the following amendment to said bill, viz.:

Amend House Bill No. 20 by striking out the word "dog" in each place where same occurs and insert in lieu thereof the word "bitch," and strike out the word "dogs" in each place where same occurs and insert in lieu thereof the word "bitches," and in the second line of section 2 strike out the word "one" and insert in lieu thereof the word "ten."

Said amendment was disagreed to.

Mr. McLean offered the following amendment to said bill, viz.:

Amend by striking out of section 5 the following words: "Every person owning or harboring a dog shall be liable to the party injured for all damages done by such dog; but no recovery shall be had for personal injuries to any person when they are upon the premises of the owner of the dog after night or upon the owner's premises engaged in some unlawful act in the day time."

Said amendment was disagreed to.

Mr. McLean offered the following amendment to said bill, viz.:

That section 4 be amended by adding to said section at the end thereof the following: "And shall, every three years, be distributed by the county superintendent of schools among the common, graded

and city school within the county according to the pro rata attendance thereof."

Said amendment was disagreed to.

Mr. Ray offered the following amendment to said bill, viz.:

Amend by adding as section 2 the following:

"Section 2. The provisions of the foregoing sections of this act shall be in force in any county when a majority of the voters of said county shall approve same at a regular election held in such county; the election to be called and held in the same way that an election can now be called and held under the stock law. At such election the question shall be asked: 'Are you for or against the dog tax?' Those voting 'Yes' shall be recorded as voting in favor of the dog tax, and those voting 'No' shall be recorded against it."

Said amendment was disagreed to.

Mr. Stewart offered the following amendment to said bill, viz.:

That House Bill No. 20 be amended by striking from said bill section 2 thereof.

Said amendment was disagreed to.

Mr. Gabbard offered the following amendment to said bill, viz.:

In third line of section 2 strike out "fifteenth day of September" and insert "first day of September" in lieu thereof.

Said amendment was disagreed to.

Ordered, That said bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed, the said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

J. M. Alverson,
Louis W. Arnett,
John Barr,
W. G. Baxter,
Charles C. Beard,
B. O. Becker,
Peter Best, Jr.,
Joe F. Bosworth,
H. Kirby Bourne,
J. C. Byland,
N. B. Chipman,
J. W. Clay,
Sam. D. Cochran,
H. K. Cole,
Henry M. Cox,
Ed. Croan,
Charles I. Dawson,
Lawrence J. Diskin,
Thomas Drewry,
W. Reed Embry,
Robert Enlow,
J. A. Frazier,
M. T. Freeman,
Taylor P. Gabbard,
Lloyd W. Gates,
W. J. Gooch,
A. J. Gorham,
H. H. Griffin,
B. P. Grigsby, Sr.,
Paul Gullion,
W. C. Halbert,
J. A. Hamon,
C. W. G. Hannah,
L. P. Head,
Wm. F. Klair,
Geo. D. Litsey,
H. M. McCarty,
Virgil McKnight,
Henry C. Miller,
Chris Mueller,
J. M. Mitchell,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
M. M. Redwine,
J. M. Robertson,
Ed. H. Shellman,
R. C. Simmons,
Emmet P. Slattery,
W. W. Smith,
Hub L. Stevens,
George W. Stone,
C. F. Thornton,
Harry Weitkamp,
T. A. Weldon,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Wm. Wilt,
W. T. Wright,
James G. Yaden—65.

Those who voted in the negative were—

E. Barry,
W. T. Cain,
M. F. Campbell,
Bennett Clarke,
W. H. Cole,
Henry W. Curle,
John C. Griffith,
Albert Hamilton,
D. C. Hopper,
W. J. Jackson,
L. F. Johnson,
M. H. McLean,
V. W. Morris,
John R. Ray,
Richard S. Rose,
S. M. Russell,
W. H. Southall,
Zeb. A. Stewart,
D. P. Taggart,
C. C. Terry,
Hal J. Woolford—21.

Resolved, That the title thereof be as aforesaid.

Mr. McKnight moved that the vote by which that bill was passed be reconsidered and that said motion lie on the table.

Said motion was adopted.

The committees to which the same had been referred, reported bills of the following titles, viz.:

By Mr. Arnett, of the Committee on Circuit Courts:

H. B. 95. An act creating the Thirty-second Judicial District of Kentucky, fixing the time of holding the courts thereof, providing for the election of a circuit judge and Commonwealth's attorney, and changing the Twenty-seventh and Twenty-eighth (Judicial) Districts of Kentucky so as to provide for said Thirty-second District; and fixing the time for holding the courts in said Twenty-seventh and Twenty-eighth Districts.

Together with an amendment thereto by way of substitute therefor.

By same:

H. B. 113. An act creating the Thirty-second Judicial District of Kentucky, fixing the time of holding courts thereof, providing for the election of a circuit judge and Commonwealth's attorney and changing the Nineteenth and Twentieth Judicial Districts of Kentucky so as to provide for said Thirty-second District and fixing the time for holding the courts in said Nineteenth and Twentieth Districts.

By same:

H. B. 140. An act to amend section 1 of an act, entitled An act to regulate the holding of circuit courts in counties in which there are towns over seventeen miles from the county seat, which act was approved February 29, 1904.

By Mr. McLean, of the Committee on Municipalities:

H. B. 257. An act to enable cities of the first class to construct a comprehensive system for the disposition of sewerage.

By Mr. Redwine, of the Committee on Kentucky Statutes:

H. B. 171. An act creating the office of assistant county attorney in counties having a population of 150,000 or over, and prescribing the qualifications, powers, duties and compensation thereof.

Said bills were severally read the first time at length and ordered to be placed on the calendar.

The House took up for consideration from the calendar bills of the following titles, viz.:

H. B. 103. An act to provide for paying the expenses of the State Superintendent when visiting different parts of the State in the interest of education.

H. B. 69. An act to provide for the publication of the receipts and expenditures of sixth-class towns.

H. B. 37. An act to amend section 1155 of the Kentucky Statutes.

H. B. 23. To amend section 74 of the Civil Code of Practice.

H. B. 27. To repeal section 281 of the Criminal Code.

H. B. 89. An act to amend section 347 of the Criminal Code of Practice.

H. B. 101. An act prohibiting the unlawful destruction or taking from the premises of another tobacco plants growing on the bed.

Ordered, That said bills be severally read the second time.

The constitutional provision as to the second reading of said bills at length being dispensed with, said bills were read the second time by their titles.

Ordered that said bills be placed in the orders of the day, except the last-named bill, which was ordered to be re-committed to the Committee on Criminal Law.

The House took up for consideration from the orders of the day a bill entitled

H. B. 39. An act to amend section 2 of an act empowering the county courts of this Commonwealth to authorize the drainage of lands when the same shall be conducive to the public health or convenience of its inhabitants, approved March 23, 1900, same being article 8, chapter 76, Kentucky Statutes.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 2 of the act of March 23, 1900, for the drainage of wet lands, article 8, chapter 76, of the Kentucky Statutes, be, and the same is hereby, amended by inserting after the words "married women," and before the words "and also whether," the following words: "And to report whether said lands are owned in fee simple or for life, with remainder to another, or others; and wherever lands are owned for life by one person, or persons, and the remainder by another, or others, to assess and report the pro rata portion of the assessment against said lands that shall be paid by the life tenant and remainderman, respectively, ascertaining this by apportioning against each interest that proportion of the whole assessment against said lands as the values of the respective estates bear to the value of the lands assessed," so that said section, when amended and re-enacted, shall read as follows:

"Before the county judge shall establish any such ditch, drain or water course, there shall be filed with the county clerk of such county a petition, signed by one or more of the land owners whose lands will be liable to be affected by or assessed for the expenses of construction of the same, setting forth the necessity therefor, with

a general description of the proposed starting point, route and terminus, and of any tributary thereto; and shall give a bond, with good and sufficient freehold sureties, payable to the State, to be approved by the clerk, conditional to pay all expenses in case the county judge shall fail to establish said proposed ditch, drain or water course. As soon as said petition is filed, said judge shall, if in regular session, or at his next regular session, appoint three resident freeholders and householders of the county not interested in the construction of the proposed work, and not of kin to any of the parties interested therein, as viewers, to meet at a time and place specified by said court preparatory to commencing their duties as hereinafter specified; and it shall be the duty of the clerk thereupon to issue to said viewers a certified copy of the petition and order of the court, who shall proceed, at the time set in said order, with a surveyor who shall be a civil engineer, and shall make an accurate survey of the line of said ditch, drain or water course, from its source to its outlet; and they shall cause stakes or monuments to be set along said line, numbered progressively down stream at each one hundred feet; and they shall make computation of the total number of cubic yards of earth to be excavated and removed from said ditch, drain or watercourse, and an estimate of the total cost of construction of the whole work; and they shall set apart and apportion to each parcel of land, and to each corporate road or railroad and to the county where public highways are benefited, a share of said work in proportion to the benefits which will result to each from such improvements; and give the location of each share, its length in feet, and the estimated number of cubic yards of earth to be removed therefrom, and the price per cubic yard, and the cost of construction, each share or allotment, separately, and specify the manner in which the work shall be done; and they shall have power, where they find it necessary, to provide for running said ditch underground, through drain-tiles or other materials, as they may deem best, by specifying the size and kind of tile or other material to be used in such underground work, and shall estimate the cost of the

same as a part of the total cost of the work; and they shall accurately describe, as the same is described in the petition, each parcel of land, corporation, public highway or railroad to be assessed for the construction of said ditch, giving the number of acres in each tract assessed, and the estimated number of acres benefited, the amount of each tract of land, corporation, railroad or public highway will be benefited by the construction of said work, and the amount that each tract, corporation, railroad or public highway is assessed therefor; and they shall, in tabular form, give the depth of cut, width at bottom and width at top, at the source, outlet and at each one hundred-foot stake or monument of said ditch, drain or water course, and a description of bench-marks and elevations taken therefrom; and they shall also ascertain and give the names of the owners and tenants, if any, of the lands that are assessed for the construction of said ditch, drain or water course, and through which same is to be constructed, and whether any of such persons are non-residents of the State, infants, of unsound mind, or married women, and to report whether said lands are owned in fee simple or for life with remainder to another or others; and where ever lands are owned for life by one person, or persons, and the remainder by another or others to assess and report the pro rata portion of the assessment against said lands that shall be paid by the life tenant and remainderman, respectively, ascertaining this by apportioning against each interest that proportion of the whole assessment against said lands as the values of the respective estates bear to the value of the lands assessed; and also whether or not the proposed ditch, drain or water course will be of public utility."

Ordered, That said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, the said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in

accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

J. M. Alverson,
Louis W. Arnett,
John Barr,
E. Barry,
W. G. Baxter,
B. O. Becker,
Peter Best, Jr.,
H. Kirby Bourne,
J. C. Byland,
W. T. Cain,
M. F. Campbell,
N. B. Chipman,
Bennett Clarke,
Sam. D. Cochran,
W. H. Cole,
Ed. Croan,
Henry W. Curle,
Charles I. Dawson,
A. L. Denny,
Lawrence J. Diskin,
Thomas Drewry,
W. Reed Embry,
Robert Enlow,
J. A. Frazier,
M. T. Freeman,
Taylor P. Gabbard,
Lloyd W. Gates,
W. J. Gooch,
A. J. Gorham,
H. H. Griffin,
John C. Griffith,
B. P. Grigsby, Sr.,
Paul Gullion,
W. C. Halbert,
Albert Hamilton,
J. A. Hamon,
C. W. G. Hannah,
L. P. Head,
D. C. Hopper,
W. J. Jackson,
L. F. Johnson,
Wm. F. Klair,
Geo. D. Litsey,
Virgil McKnight,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
Chris Mueller,
J. M. Mitchell,
V. W. Morris,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
John R. Ray,
M. M. Redwine,
J. M. Robertson,
Ed. H. Shellman,
R. C. Simmons,
Emmet P. Slattery,
W. H. Southall,
Hub L. Stevens,
Zeb. A. Stewart,
George W. Stone,
D. P. Taggart,
C. C. Terry,
C. F. Thornton,
Harry Weitkamp,
T. A. Weldon,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Wm. Wilt,
J. Hal Woodford,
W. T. Wright,
James G. Yaden—79.

Those who voted in the negative—none.

Resolved, That the title thereof be as aforesaid.

Mr. Overstreet moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled

H. B. 2. An act to amend section 4313, Kentucky Statutes, entitled "Public Roads."

Mr. Klair moved that the further consideration of said bill be postponed, and that the same remain special order of the day for to-morrow, the 31st inst., at 11 o'clock a. m.

Said motion was agreed to.

And then the House adjourned.

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WEDNESDAY, JANUARY 31, 1906.

The House was opened with prayer by the Rev. J. O. A. Vaught, pastor of the Methodist church, South.

The reading of the Journal of yesterday's proceedings was dispensed with, and the same was approved.

Mr. James S. Morris moved that the rules be suspended and that the printer be ordered to print out of its order, a bill, entitled

S. B. 156. An act authorizing the Court of Appeals to appoint a commissioner of the Court of Appeals.

Said motion was disagreed to.

Mr. Stewart offered the following resolution, viz.:

Whereas, By reason of the great delay in printing the bills of this House, it became necessary by reason thereof to pass a resolution authorizing and empowering the clerk to employ another printer; and

Whereas, In obedience to said resolution, the said clerk did em-

ploy another printer to print the bills, beginning with bill No. 302; and

Whereas, By reason of the carrying out of said resolution the business of the House has been greatly facilitated and business dispatched more promptly; and

Whereas, There are a number of bills yet in the hands of the former printer not yet printed, which, according to resolution of this House, should have been printed in numerical order; and

Whereas, The consideration of said bills are prevented and retarded by reason of said delay from being considered by the House and passed upon promptly as they should be; therefore be it

Resolved, That the clerk be and is hereby directed to withdraw from the public printer such bills as may now be in his hands and not printed and deliver such bills to the printer employed by him, and he is hereby instructed to direct said printer to print same in their numerical order, and if there be other bills higher in numerical order already printed, he will first print those so delivered to him of a less numerical order until all of said bills are printed.

Said resolution was agreed to.

Mr. Gooch offered the following resolution, viz.:

Resolved, That the clerk be and he is hereby instructed to prepare a list of all bills (by numbers) that have been introduced in this House and not yet printed, and read the same for the information of the members the first thing to-morrow morning after reading of the Journal.

Said resolution was agreed to.

Mr. Redwine moved that the House now resolve itself into a committee of the whole House for the purpose of hearing the Hon. Henry R. Prewitt, the commissioner of insurance, on the subject of a proposed and necessary legislation relative to the government of insurance companies in this State.

Said motion was agreed to.

Thereupon the Speaker vacated the chair, having designated the Hon. R. W. Miller, as chairman of the committee of the whole. After a time the Speaker resumed the chair.

Mr. R. W. Miller, chairman of the committee of the whole, reported that the House in committee of the whole had heard from Mr. Prewitt, commissioner of insurance, and that said committee asked that they be discharged.

Mr. Redwine offered the following resolution, viz.:

Resolved by this House, That the Speaker of this House appoint two members of this House to attend a meeting of the Representatives of the various States in this Union on to-morrow in the city of Chicago and report to this House on their return.

Said resolution was agreed to.

Thereupon the Speaker, in accordance with said resolution, named as the Representatives of this House to said conference Messrs. Byland and Claybrooke.

Mr. Nall, of the Committee on Enrollments, reported that they had examined an enrolled joint resolution, entitled

S. Res. 9. A resolution regulating the printing of bills.

Thereupon all other business was suspended and said resolution was read at length and compared in open session, and being found correctly enrolled the Speaker in the presence of the House affixed his signature thereto.

Ordered that the enrolling clerk deliver the same to the chief clerk of the Senate.

Mr. Bosworth, of the board heretofore drawn, selected and

sworn, by this House to determine the right to a seat to this House as Representative from the Forty-seventh Representative Districts (which is in the city of Louisville) of Louis B. Wehle, contestant v. James A. Hagan, contestee. Presented the following report, viz.:

Before the House of Representatives of Kentucky:

In the matter of the contested election for member of the House of Representatives, from the Forty-seventh Representative District of Kentucky.

REPORT OF COMMITTEE.

Louis B. Wehle, contestant v. James A. Hagan, contestee.

Your committee, which was selected to try the above styled contest, respectfully reports that, it has carefully examined the records presented, and upon such examination and a full consideration, is of the opinion that the contestee, James A Hagan was legally elected a member of the lower House of the General Assembly of Kentucky, for the Forty-seventh Representative District of Kentucky, and was entitled to the certificate of election awarded him, and is entitled to a seat in this body as said Representative.

Your committee is of the opinion that said contestant should be allowed nothing for his expense of attorney's fees in this contest.

Your committee recommends that the following sums be allowed contestee, to-wit: For his time, labor and expense in preparing said contest, $20.00; for his attorney of record, the sum of $200.00; to Frank L. Ward, the stenographer for contestee in this contest, $33.25.

Your committee is satisfied from an inspection of the record, and from the testimony heard, that the allowances herein are very reasonable, and the amount allowed Frank L. Ward, is the amount of his itemized bill for services in this contest, and your committee recommends the adoption of the following resolution:

Be it resolved by the Representatives of Kentucky, That the contestee, James A. Hagan, was on the seventh of November, 1905,

legally elected Representative from the Forty-seventh Representative district of Kentucky to the House of Representatives of the present General Assembly of Kentucky, and that the certificate of election was properly awarded to him, and that he is entitled to a seat in this body as said Representative; and

Be it further resolved by the House of Representatives of Kentucky, that there be allowed to James A. Hagan, contestee, herein the sum of $20.00 for his expenses in preparing said contest, that there be allowed to the attorney of record for said contestee, the sum of $200.00, and that there be allowed to Frank L. Ward, the sum of $33.25, his bill for stenographic services in said contest. Said sums are to be paid as contingent expenses of the House, and they are hereby declared to be such; and the Auditor of State will draw his warrants for said sums in favor of the above named persons, when there is presented to him a voucher for said sums; and a copy of this resolution is declared to be said voucher, countersigned by the clerk of the House; and said clerk will certify who is attorney of record; and the Treasurer of State will draw his check for the amount of said warrants in favor of the persons named therein, when same are presented to him.

JOS. F. BOSWORTH, Chairman,
W. M. WILT,
H. W. CURLE,
W. J. GOOCH,
T. A. WELDON,
LLOYD W. GATES.

Said report and the resolutions therein contained were adopted.

The hour of eleven o'clock having arrived, the House took up for consideration the special order of the day for that hour, to-wit: a bill entitled

H. B. 2. An act to amend section 4313, Kentucky Statutes, entitled "Public Roads."

Mr. Klair offered an amendment to said bill.

Mr. Southall offered an amendment to said bill.

Mr. Gates offered an amendment to said bill.

Mr. Thornton offered an amendment to said bill.

Mr. Klair moved that said bill and amendments be re-committed to the Committee on Internal Improvements.

Said motion was agreed to.

The committees to which the same had been referred reported the following bills with the expression of opinion that the same ought not to pass.

By Mr. Simmons of the Committee on Judiciary:

H. B. 65. An act relating to contests of members of both branches of the General Assembly.

By same:

H. B. 319. An act to amend section 2096, Kentucky Statutes, relative to persons who are prohibited from intermarrying.

By Mr. H. C. Miller, of the Committee No. 1:

H. B. 98. An act creating a commission to rearrange and codify the common school laws.

By Mr. Croan, of the Committee on Railroads:

H. B. 17. An act relating to the lighting of bridges and railroads in the towns and cities in this Commonwealth.

By Mr. Diskin, of the Committee of County and City Courts:

H. B. 73. An act to amend section 1847 of the Kentucky Statutes, concerning fiscal courts.

The question being severally taken on ordering said bills to a reading, the opinion of the committees to the contrary notwithstanding, it was decided in the negative.

And so said bills were rejected.

The committees to which the same had been referred, reported bills of the following titles, viz.:

By Mr. Simmons, of the Committee on Judiciary:

H. B. 67. An act relating to assault with intent to rob, amending section 1160 of the Kentucky Statutes.

With an amendment thereto.

By same:

H. B. 68. An act relating to negotiable instruments amending section 184 of said act, which was approved March 24, 1904, by striking out said section.

With an amendment thereto, by way of substitute therefor.

By same:

H. B. 207. An act to provide for the location, erection, organization and management in Kentucky of a State sanatorium for the cure and treatment of tuberculosis, and making an appropriation for the purchase of the necessary land, and the construction and equipment of necessary buildings, and making an appropriation for the maintenance of the sanatorium.

By same:

H. B. 323. An act to amend section 4545 of the Kentucky Statutes (Carroll's Edition, 1903), the same being a part of chapter 115.

By Mr. McLean, of the Committee on Municipalites.

H. B. 255. An act to amend an act, entitled An act for the government of cities of the first-class, approved July 31, 1893.

Together with an amendment thereto by way of a substitute therefor.

By Mr. H. C. Miller, of the Committee on Education No. 1:

H. B. 302. An act to repeal section 6 of the charter of the Corinth Academy.

By same:

H. B. 108. An act to amend section 4510 of the Kentucky Statutes.

By Mr. Stone, of the Committee on Education No. 2:

H. B. 100. An act to amend section 9, chapter 63 of the acts of 1902, which became a law March 31, 1902.

By Mr. Nall, of the Committee on Agriculture:

H. B. 76. An act to amend and re-enact an act to provide for the inspection of nursery stock and to prevent the disseminating of noxious insects and fungi.

With amendments thereto.

By Mr. George S. Wilson, of the Committee on Corporate Institutions:

S. B. 79. An act to amend section 540, chapter 32 of the Kentucky Statutes.

By Mr. Shellman, of the Committee on Appropriations:

S. Res. 2. A resolution providing for the payment of expenses of the revenue commission and its secretary.

By Mr. Dawson, of the Committee on Constitutional Amendments:

H. B. 64. An act relating to suffrage and elections by amending section 145 of the Constitution.

By Mr. Diskin, of the Committee on County and City Courts:

H. B. 324. An act to amend section 1085, article 7, chapter 35, of Kentucky Statutes which relates to justices courts.

By Mr. Alverson, of the Committee on Agricultural and Mechanical College.

H. B. 327. An act to provide for proper recognition of proficiency acquired by students who attend the normal department of the Agricultural and Mechanical College of Kentucky.

With an amendment thereto.

By same:

H. B. 49. An act to provide an appropriation for the erection and equipment of buildings for the use of the agricultural department and of the normal school of the Agricultural and Mechanical College of Kentucky.

With an amendment thereto.

By Mr. Woodford, of the Committee on Commerce and Manufacturing:

H. B. 40. An act regulating the testing, grading, weighing, milling, selling and purchase of wheat.

By Mr. Baxter, of the Committee on Geological Survey:

H. B. 110. An act providing for the continuation of the geological, topographical and agricultural survey of the State of Kentucky, and for the continuation of topographical surveys in corporation with the United States geological survey.

By Mr. Mulcahy, of the Committee on Public Monument and Historical Records:

H. B. 107. An act appropriating $2,500 for the erection of a monument at Boonesborough, Kentucky, and the purchase of the necessary ground on which to locate same and creating a commission to carry out the work.

Said bills were severally read the first time at length and ordered to be placed on the calendar.

By Mr. James S. Morris, of the Committee on Criminal Law, to which the same had been re-committed:

H. B. 101. An act prohibiting the unlawful destruction or taking from the premises of another, tobacco plants growing on the beds.

With an amendment thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That if any person shall willfully and unlawfully destroy or take from the premises of another tobacco plants growing in the bed, shall be guilty of a felony and confined in the penitentiary not less than one, nor more than three years.

The amendments proposed thereto by the committee is as follows:

§ 2. Whereas the public welfare demands it an emergency is declared to exist and this act shall take effect from and after the date of its passage.

Said amendment was agreed to.

Ordered that said bill, as amended, be engrossed and read the third time.

The provision of the Constitution as to the third reading of the said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, xiz.:

Those who voted in the affirmative were—

J. M. Alverson,
Louis W. Arnett,
John Barr,
E. Barry,
W. G. Baxter,
Charles C. Beard,
B. O. Becker,
Peter Best, Jr.,
Joe F. Bosworth,
H. Kirby Bourne,
W. T. Cain,
M. F. Campbell,
Bennett Clarke,
W. D. Claybrooke,
Sam. D. Cochran,
H. K. Cole,
W. H. Cole,
Henry M. Cox,
Ed. Croan,
Henry W. Curle,
Charles I. Dawson,
A. L. Denny,
W. Reed Embry,
Robert Enlow,
J. A. Frazier,
Lloyd W. Gates,
W. J. Gooch,
A. J. Gorham,
H. H. Griffin,
John C. Griffith,
Paul Gullion,
James A. Hagan,
W. C. Halbert,
Albert Hamilton,
J. A. Hamon,
W. J. Jackson,
Wm. F. Klair,
Geo. D. Litsey,
H. M. McCarty,
Virgil McKnight,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
Chris Mueller,
J. M. Mitchell,
V. W. Morris,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
Henry G. Overstreet,
C. M. Paynter,
M. M. Redwine,
J. M. Robertson,
Richard S. Rose,
S. M. Russell,
Ed. H. Shellman,
R. C. Simmons,
Emmet P. Slattery,
W. W. Smith,
W. H. Southall,
Hub L. Stevens,
John A. Stevens,
Zeb A. Stewart,
George W. Stone,
D. P. Taggart,
C. C. Terry,
C. F. Thornton,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson,
Wm. Wilt,
J. Hal Woodford,
W. T. Wright,
James C. Yaden—76.

Those who voted in the negative were—

C. W. G. Hannah, D. C. Hopper—2.

Resolved, That the title thereof be as aforesaid.

## CALENDAR.

The House took up for consideration from the calendar a bill, entitled

H. B. 113. An act creating the Thirty-second Judicial District

of Kentucky, fixing the time of holding courts thereof, providing for the election of a circuit judge and Commonwealth's attorney, and changing the Nineteenth and Twentieth Judicial Districts of Kentucky so as to provide for said Thirty-second District and fixing the time for holding courts in said Nineteenth and Twentieth Districts.

Ordered that said bill be read the second time.

The provision of the Constitution as to the reading of said bill the second time at length being dispensed with, the said bill was read the second time by its title.

Mr. Redwine moved that said bill be made a special order for to-morrow, February 1, 1906, at eleven o'clock, a. m.

Said motion was agreed to.

The House took up for consideration from the calendar a bill, entitled

H. B. 95. An act creating the Thirty-second Judicial District of Kentucky, fixing the time of holding the courts thereof; providing for the election of a circuit judge and Commonwealth's attorney and changing the Twenty-seventh and Twenty-eighth Judicial Districts of Kentucky so as to provide for such thirty-second district and fixing the time for holding the courts in said twenty-seventh and twenty-eighth districts.

Ordered that said bill be read the second time.

The provision of the Constitution as to the second reading of said bill being dispensed with, said bill was read the second time by its title.

Mr. Bosworth moved that said bill be made the special order for to-morrow, February 1, 1906, at eleven fifteen a. m.

Said motion was agreed to.

The House took up for consideration from the calendar, a bill, entitled

H. B. 257. An act to enable cities of the first class to construct a comprehensive system for the distribution of sewerage.

Ordered that said bill be read the second time.

The provision of the Constitution as to the second reading of said bill at length being dispensed with the said bill was read the second time by its title.

Mr. McLean moved that said bill be made the special order for to-morrow, February 1, 1906, at eleven thirty o'clock a. m.

Said motion was agreed to.

The House took up for consideration from the calendar, a bill, entitled

H. B. 140. An act to amend section 1 of an act, entitled An act regulating the holding of circuit courts in cities larger than county seats, and located more than seventeen miles from the county seat.

Ordered that said bill be read the second time.

The provision of the Constitution as to the second reading of the said bill at length being dispensed with the said bill was read the second time by its title.

Mr. Bosworth moved that said bill be made the special order for to-morrow, February 1, 1906, at eleven forty-five o'clock a. m.

Said motion was agreed to.

The House took up for consideration from the calendar, a bill, entitled

H. B. 71. An act creating the office of assistant county attorney in counties having a population of 150,000 or over, and prescribing the qualifications, powers, duties and compensation thereof.

Ordered that said bill be read the second time.

The provisions of the Constitution as to the second reading of the said bill at length being dispensed with, it was read the second time by its title.

Mr. Gates moved that said bill be re-committeed to the Committee on Kentucky Statutes, and that said committee have leave to report said bill at any time.

Said motion was agreed to.

Mr. R. W. Miller entered a motion to reconsider the vote by which this House on to-day adopted a resolution offered by Mr. Stewart.

The hour of twelve o'clock meridian having arrived in accordance with the order made by this House on a former day, the House took a recess to receive and hear an address from ex-Governor Preston H. Leslie, a native of Kentucky and former Governor of this State, and who is now a resident of the State of Montana, and is at present on a visit to this, his native State. After listening to a very able and interesting address by the said ex-Governor Preston H. Leslie during which the Senate had been received into the hall of the House of Representatives as a body, the Speaker resumed the chair and called the House to order.

And then the House adjourned.

THURSDAY, FEBRUARY 1, 1906.

The House was opened with prayer by the Rev. T. F. Talliafero, pastor of the Methodist church, South.

The reading of the Journal of yesterday's proceedings was dispensed with, and the same was approved.

Mr. Smith offered the following resolution, viz.:

Whereas, As the Hon. John G. Carlisle, one of Kentucky's gifted sons is at present in the city of Frankfort,

Be it therefore resolved, That the House of Representatives of Kentucky do now invite him to address them at 12 M., Thursday, February 1, 1906.

Be it further resolved, That a committee of three be appointed by the Speaker to convey this invitation to the honorable gentleman, and that this same committee invite the Senate to participate.

Said resolution was agreed to.

Mr. Barry offered the following resolution, viz.:

Resolved, Whereas the Governor in his recent message to this General Assembly admonished us that it is absolutely necessary to either curtail expenses or take steps to raise more revenue for the State, and whereas we have great confidence in the business sagacity and executive ability of the Governor that the Speaker appoint a committee of five whose duty it shall be to investigate the several department of all the State offices and other public institutions of this Commonwealth with the view of ascertaining whether or not there are a greater number of employes in any department of any office of other public institution of the State than are necessary to carry on the work of that department, and whether or not excessive salaries are paid for such services.

And said committee shall have power and be authorized to sum-

mon and compel by due process of law the attendance of any witness or witnesses within the jurisdiction of this Commonwealth, and to examine into any record of any department of any office or public institution of the State that they may think necessary in order to enable said committee to arrive at a correct understanding of the conditions of the State affairs; and that said committee shall make a full report to this body of all their acts with such recommendations as in their judgment are proper and expedient.

Said resolution was agreed to.

Mr. Gates, of the Committee on Kentucky Statutes, to which the same had been re-committed with leave to said committee to report at any time, reported a bill, entitled

H. B. 71. An act creating the office of assistant county attorney in counties having a population of 150,000 or over and prescribing the qualification, powers, duties and compensation thereof.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the office of assistant county attorney in counties having a population of 150,000 or over is hereby created.

§ 2. The assistant county attorney shall be appointed by the county attorney for a term of four years, but shall be subject to removal at any time by the county attorney. His salary shall be fixed by the fiscal court of the county, and shall be not less than $1,500.00 nor more than $2,000.00 per annum, payable out of the county levy in equal monthly installments.

§ 3. The assistant county attorney shall possess the qualifications of a county attorney, and shall have the same powers and perform the same duty that county attorneys now have and perform, except that in case of a disagreement between the county attorney

and the assistant county attorney, the county attorney shall control.

§ 4. In the absence of the county attorney, the assistant county attorney shall act as county attorney without additional compensation.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of the said bill at length being dispensed with the said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill according to the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

J. M. Alverson,
John Barr,
E. Barry,
W. G. Baxter,
Charles C. Beard,
B. O. Becker,
Peter Best, Jr.,
Joe F. Bosworth,
H. Kirby Bourne,
W. T. Cain,
M. F. Campbell,
Bennett Clarke,
J. W. Clay,
H. K. Cole,
W. H. Cole,
Henry M. Cox,
Ed. Croan,
Henry W. Curle,
Charles I. Dawson,
A. L. Denny,
Lawrence J. Diskin,
W. Reed Embry,
A. J. Gorham,
John C. Griffith,
B. P. Grigsby, Sr.,
Paul Gullion,
James A. Hagan,
W. C. Halbert,
Albert Hamilton,
J. A. Hamon,
C. W. G. Hannah,
L. P. Head,
D. C. Hopper,
W. J. Jackson,
L. F. Johnson,
W. H. Jones,
Geo. D. Litsey,
H. M. McCarty,
Virgil McKnight,
M. H. McLean,
Henry C. Miller,
Chris Mueller,
J. M. Mitchell,
V. W. Morris,
M. M. Redwine,
Richard S. Rose,
J. T. Royalty,
S. M. Russell,
J. T. Scott,
Ed. H. Shellman,
R. C. Simmons,
Emmet P. Slattery,
W. H. Southall,
Hub L. Stevens,
John A. Stevens,
George W. Stone,
D. P. Taggart,
C. C. Terry,
A. J. Thompson,
C. F. Thornton,
Harry Weitkamp,
T. A. Weldon,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,

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| J. A. Frazier, | James S. Morris, | Wm. Wilt, |
| M. T. Freeman, | Ed. Mulcahy, | J. Hal Woodford, |
| Taylor P. Gabbard, | Ion B. Nall, | W. T. Wright, |
| Lloyd W. Gates, | Henry G. Overstreet, | James C. Yaden, |
| W. J. Gooch, | C. M. Paynter, | Will A. Young—81. |

Those who voted in the negative were—

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| Thomas Drewry, | John R. Ray, | Zeb. A. Stewart—3. |

Resolved, That the title thereof be as aforesaid.

Mr. McKnight, of the board heretofore drawn and sworn as a contest board, to determine the right to a seat in this House, as Representative from the county of Pike, in the case wherein J. H. Charles is contestant and Moses F. Campbell is contestee, offered the following report, viz.:

House of Representatives.

In the matter of J. H. Charles contestant v. Moses Campbell, contestee.

REPORT OF CONTEST BOARD.

Your committee duly drawn and sworn as a contest board in the above styled contest, respectfully offer the following:

After having heard the evidence and arguments of counsel, and carefully considered the same your committee find that Moses Campbell, the contestee was duly and legally elected to the House of Representatives in the General Assembly of the Commonwealth of Kentucky, at the election held on November 7, 1905, in the county of Pike, in said State, and that he should be allowed to retain his seat in said House.

The committee further find that contestant, J. H. Charles, should have the sum of $75.00 for his expenses and attorney's fees, and a like sum of $75.00 should be allowed the contestee for his expenses

and attorney's fees and that neither of them be allowed anything more.

Respectfully submitted,
V. McKNIGHT, Chairman,
M. M. REDWINE,
H. G. OVERSTREET,
HENRY M. COX,
E. H. SHERMAN,
M. B. CLARK.

Said report was agreed to and adopted.

It was thereupon ordered and adjudged by the House that Moses F. Campbell was at the election held on November 7, 1905, duly and regularly elected Representative from the county of Pike, and as such is entitled to a seat in this House.

A message was received from the Senate announcing that they had adopted joint resolutions of the following titles, viz.:

S. Res. 11. Resolution requesting our Representatives in Congress to urge the passage of a pure food law.

S. R. 12. A Resolution requesting Kentucky's Representatives in the United States Congress to use their influence for the preservation of Niagara Falls.

Ordered that resolutions lie over.

That they had passed bills of the following titles, viz.:

S. B. 33. An act to amend section 1214 of the Kentucky Statutes.

S. B. 104. An act to amend and re-enact section 54 of an act, entitled An act concerning the militia of the Commonwealth of Kentucky, approved March 13, 1893, and amendatory act thereto being section 2705 of the Kentucky Statutes.

Ordered that said bills be printed and were by the Speaker referred the first to the Committee on Judiciary and the second to the Committee on Military Affairs.

Also that they had adopted a concurrent resolution, entitled

S. Res. 13. A resolution providing for a joint session of the two Houses of this General Assembly on to-day at 12 o'clock M., for the purpose of receiving and hearing an address from the Hon. John G. Carlisle.

By unanimous consent the rules were suspended and said resolution was taken up for consideration, twice read and concurred in.

At eleven o'clock a. m., the House took up for consideration the special order of the day for that hour, to-wit, a bill, entitled

H. B. 113. An act creating the Thirty-second District of Kentucky, fixing the time of holding of courts thereof, providing for the election of a circuit judge and Commonwealth's attorney and changing the Nineteenth and Twentieth Judicial Districts of Kentucky so as to provide for said thirty-second district and fixing the time for holding the courts in said nineteenth and twentieth districts.

Said bill is as follows, viz.:

Whereas, There has been a large increase of population and a large development of resources in the present Nineteenth and Twentieth Districts of Kentucky; so much so that it is impossible for the judges to do the work required of the courts in said districts in the time now allotted by law or which can be allotted, and

Whereas, By reason of these facts, the business of said districts is congested and in some of the counties it is impossible to complete the business in the time fixed by law; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Thirty-second Judicial District of Kentucky shall be

composed of the counties of Carter, Elliott, Lawrence and Morgan,

The Twentieth Districts, Boyd, Greenup and Lewis.

The Nineteenth District, Fleming, Boyd, Greenup and Lewis.

§ 2. The present judge and Commonwealth's attorney in said Nineteenth and Twentieth Districts shall remain and be unchanged for the time provided by law.

§ 3. The Governor shall appoint and commission a circuit judge and Commonwealth's Attorney in the Thirty-second District who shall hold their offices until their successors are elected and qualified. An election shall be held in said district to elect a circuit judge and Commonwealth's attorney at the regular November election, 1907, to succeed the officers appointed under this act.

§ 4. The time for holding courts in said three districts shall be as follows:

Thirty-second District—Lawrence county, at Louisa, second Monday in January, fourth Monday in April and second Monday in September and continue each term twenty-four juridical days. Elliott county, at Martinsburg, second Monday in February, third Monday in May and first Monday in October and continue each eighteen juridical days. Carter county, at Grayson, first Monday in March, first Monday in June, and fourth Monday in October and continue each eighteen juridical days. Morgan county, at West Liberty, fourth Monday in March, fourth Monday in June and third Monday in November and continue each eighteen juridical days.

Twentieth District—Boyd county, at Catlettsburg, on first Monday in January, third Monday in April, first Monday in September and continue each thirty-six juridical days. Greenup county, at Greenup, third Monday in February, first Monday in June and third Monday in October and continue each twenty-four juridical days. Lewis county, at Vanceburg, third Monday in March, first Monday in July, and third Monday in November and continue each twenty-four juridical days.

Nineteenth District—Mason county, at Maysville, first Monday in January, third Monday in April and fourth Monday in Septem-

ber and continue each thirty-six juridical days. Bracken county, at Brooksville, third Monday in February, first Monday in June and third Monday in October and continue each twenty-four juridical days. Fleming county, at Flemingsburg, third Monday in March, first Monday in July and third Monday in November and continue each twenty-four juridical days.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with the said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

J. M. Alverson,
John Barr,
E. Barry,
W. G. Baxter,
Charles C. Beard,
B. O. Becker,
Joe F. Bosworth,
H. Kirby Bourne,
W. T. Cain,
M. F. Campbell,
N. B. Chipman,
Bennett Clarke,
J. W. Clay,
Sam. D. Cochran,
H. K. Cole,
W. H. Cole,
Henry M. Cox,
Ed. Croan,
Henry W. Curle,
Charles I. Dawson,
A. L. Denny,
W. J. Gooch,
A. J. Gorham,
John C. Griffith,
B. P. Grigsby, Sr.,
Paul Gullion,
W. C. Halbert,
Albert Hamilton,
J. A. Hamon,
C. W. G. Hannah,
D. C. Hopper,
W. J. Jackson,
L. F. Johnson,
W. H. Jones,
Geo. D. Litsey,
H. M. McCarty,
Virgil McKnight,
M. H. McLean,
Henry C. Miller,
Chris Mueller,
J. M. Mitchell,
James S. Morris,
J. M. Robertson,
Richard S. Rose,
J. T. Royalty,
S. M. Russell,
J. T. Scott,
Ed. H. Shellman,
R. C. Simmons,
Emmet P. Slattery,
W. W. Smith,
W. H. Southall,
Hub L. Stevens,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
D. P. Taggart,
C. C. Terry,
A. J. Thompson,
C. F. Thornton,
Harry Weitkamp,
T. A. Weldon,
W. T. White,

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| Lawrence J. Diskin, | Ed. Mulcahy, | John B. Wicker, |
| Thomas Drewry, | Ion B. Nall, | Geo. S. Wilson, |
| W. Reed Embry, | W. J. Osborne, | J. T. Wilson, |
| Robert Enlow, | Henry G. Overstreet, | J. Hal Woodford, |
| J. A. Frazier, | C. M. Paynter, | W. T. Wright, |
| M. T. Freeman, | M. M. Redwine, | James G. Yaden—82. |
| Lloyd W. Gates, | | |

Those who voted in the negative were—

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|---|---|---|
| V. W. Morris, | Wm. Wilt, | Will A Young—4. |
| John R. Ray, | | |

Resolved, That the title thereof be as aforesaid.

Mr. McKnight moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At eleven fifteen o'clock a. m., the House took up for consideration the special order of the day for that hour to-wit, a bill, entitled

H. B. 95. An act creating the Thirty-second Judicial District of Kentucky, fixing the time of holding the courts thereof, providing for the election of a circuit judge and Commonwealth's attorney and changing the Twenty-seventh and Twenty-eighth Districts of Kentucky so as to provide for said Thirty-second District and fixing the time for holding the courts in said Twenty-seventh and Twenty-eighth Districts.

Together with the substitute amendment heretofore proposed for said bill by the Committee on Circuit Courts.

Said bills is as follows, viz.:

Whereas, There has been a large increase of population and a large development of the resources in the Twenty-seventh and

Twenty-eighth Judicial Districts of Kentucky as they both now stand, so much so, that it is impossible for the circuit judges to do the work required of the court in said districts in the time allotted by law or which can be allotted; and, whereas, by reason of these facts the business of said districts is congested and in some of the counties that it is impossible to complete the business in the time fixed by law; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1st. The Thirty-second Judicial District of Kentucky shall be composed of the counties of Whitley, Laurel and Knox. The Twenty-seventh district of the counties of Clay, Owsley, Leslie and Jackson. The twenty-eight judicial district of the counties of Pulaski, Rockcastle, Wayne and Clinton.

2d. The tenure of the offices of the present circuit judge and Commonwealth's attorney of both the Twenty-seventh and the Twenty-eighth Judicial Districts shall remain and be the same so as now required by law.

3d. The Governor shall appoint and commission a circuit judge and Commonwealth's attorney in the Thirty-second district, who shall hold their respective offices as such until their successors are elected and qualified. An election shall be held in said district to elect a circuit judge and Commonwealth's attorney at the regular November election, 1907, to succeed the officers appointed under this act.

4th. The time of holding court in said three districts shall be as follows:

Jackson county at McKee, first Monday in January eighteen juridical days; fourth Monday in April, twelve juridical days; and the first Monday in September, eighteen juridical days.

Owsley county, at Booneville, fourth Monday in January, eighteen juridical days; second Monday in May, twelve juridical days; and the first Monday in October, eighteen juridical days.

Clay county, at Manchester, third Monday in February, eighteen

juridical days; first Monday in June eighteen juridical days; and first Monday in December, eighteen juridical days.

Leslie county, at Hyden fourth Monday in March, eighteen juridical days; fourth Monday in June, twelve juridical days; and the first Monday i December, eighteen juridcal days.

TWENTY-EIGHTH JUDICIAL DISTRICT.

Rockcastle county, at Mt. Vernon, first Monday in January, eighteen juridical days; fourth Monday in April, twelve juridical days; second Monday in August, twenty-four juridical days.

Pulaski county, at Somerset, fourth Monday in January, thirty juridical days; first Monday in May, twenty-four juridical days; and second Monday in September, thirty-six juridical days.

Wayne county, at Monticello, first Monday in March, twenty-four juridical days; first Monday in June, eighteen juridical days; first Monday in November, twenty-four juridical days.

Clinton county, at Albany, first Monday in April, twelve juridical days days; fourth Monday in June, twelve juridical days; first Monday in December, eighteen juridical days.

THIRTY-SECOND JUDICIAL DISTRICT.

Whitley county, at Williamsburg, first Monday in January, thirty-six juridical days; first Monday in May, twenty-four juridical days; first Monday in September, thirty-six juridical days.

Laurel county, at London, third Monday in February, twenty-four juridical days; first Monday in June, eighteen juridical days; third Monday in October, twenty-four juridical days.

Knox county, at Barbourville, third Monday in March, twenty-four juridical days; first Monday in July, twenty-four juridical days; third Monday in November, twenty-four juridical days.

All laws and parts of law in conflict with this act are hereby repealed.

The substitute amendment as proposed for said bill by the Committee on Circuit Courts is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Twenty-sixth District shall consist of the counties of Bell, Harlan and Whitley.

The Twenty-seventh District shall consist of the counties of Clay, Jackson, Knox and Laurel.

The Twenty-eighth District shall consist of the counties of Clinton, Pulaski, Rockcastle and Wayne.

The Thirty-third District shall consist of the counties of Leslie, Letcher, Owsley and Perry.

§ 2. The Hon. M. J. Moss, present judge of the Twenty-sixth Judicial District, shall be and remain, during the term of office for which he was elected the judge of the Twenty-sixth Judicial Distract, as changed by this act.

The Hon. H. C. Faulkner and the Hon. Wm. Lewis shall be and remain judge and Commonwealth's attorney, respectively, of the Twenty-seventh Judicial District, as changed by this act, during the term of office for which they were elected judge and Commonwealth's attorney, respectively.

The Hon. M. L. Jarvis and the Hon. James N. Sharp shall be and remain judge and Commonwealth's attorney, respectively, of the Twenty-eighth Judicial District, as changed by this act, during the term of office for which they were elected judge and Commonwealth's attorney, respectively.

The Hon. Ira Fields, present Commonwealth's attorney of the Twenty-sixth Judicial District, who resides in Letcher county, shall be and remain Commonwealth's attorney of the new Thirty-third District, as constituted by this act, during the term for which he was elected.

The Governor shall appoint a judge of the Thirty-third Judicial District, as constituted by this act, and such judge shall hold office

until his successor is elected and qualified at the regular November election in such district in the year 1909. The Governor shall appoint a Commonwealth's attorney for the Twenty-sixth Judicial District, as constituted under this act, who shall hold his office until his successor shall be elected and qualified at the regular November election in such district in the year 1909.

§ 3. The courts in the Twenty-sixth, Twenty-seventh, Twenty-eighth and Thirty-third Judicial Districts, and in the several counties composing same, shall be held at the following times and places, and for the time hereinafter set out.

Twenty-sixth District. Bell county, at Pineville, on the first Monday in January and continue thirty juridical days; fourth Monday in April and to continue twenty-four juridical days; first Monday in September and to continue thirty-six juridical days.

Harlan county, at Harlan courthouse, on the second Monday in February and continue eighteen juridical days; fourth Monday in May and continue twelve juridical days; third Monday in October and continue eighteen juridical days.

Whitley county, at Williamsburg, second Monday in March and continue thirty juridical days; second Monday in June and continue twenty-four juridical days; second Monday in November and continue thirty-six juridical days.

Twenty-seventh District.—Jackson county, at McKee, first Monday in January and continue twelve juridical days; third Monday in April and continue twelve juridical days; second Monday in September and continue twelve juridical days.

Clay county, at Manchester, third Monday in January and continue eighteen juridical days; first Monday in May and continue twelve juridical days; fourth Monday in September and continue twenty-four juridical days.

Laurel county, at London, second Monday in February and continue twenty-four juridical days; third Monday in May and continue eighteen juridical days; fourth Monday in October and continue twenty-four juridical days.

Knox county, at Barbourville, second Monday in March and continue twenty-four juridical days; second Monday in June and continue twenty-four juridical days; fourth Monday in November and continue twenty-four juridical days.

Twenty-eighth District.—Clinton county, at Albany, first Monday in January and continue twelve juridical days; fourth Monday in April and continue six juridical days; first Monday in September and continue twelve juridical days.

Wayne county, at Monticello, third Monday in January and continue eighteen juridical days; first Monday in May and continue eighteen juridical days; third Monday in September and continue twenty-four juridical days.

Pulaski county, at Somerset, second Monday in February and continue thirty-six juridical days; fourth Monday in May and continue twenty-four juridical days; fourth Monday in October and continue thirty-six juridical days.

Rockcastle county, at Mt. Vernon, fourth Monday in March and continue twenty-four juridical days; fourth Monday in June and continue eighteen juridical days; second Monday in December and continue twelve juridical days.

Thirty-third District.—Letcher county, at Whitesburg, second Monday in January and continue eighteen juridical days; third Monday in April and continue twelve juridical days; second Monday in September and continue eighteen juridical days.

Leslie county, at Hyden, first Monday in February and continue twenty-four juridical days; first Monday in May and continue eighteen juridical days; first Monday in October and continue twenty-four juridical days.

Perry county at Hazard, first Monday in March and continue eighteen juridical days; fourth Monday in May and continue eighteen juridical days; second Monday in November and continue twenty-four juridical days.

Owsley county, at Booneville, fourth Monday in March and continue twelve juridical days; third Monday in June and continue

twelve juridical days; second Monday in December and continue twelve juridical days.

§ 4. This act shall take effect and be in force from and after the first day of July, 1906.

Mr. Rose offered an amendment to said bill by way of substitute therefor.

Said substitute is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Thirty-third Judicial District of Kentucky shall be composed of the counties of Whitley, Laurel and Jackson; the Twenty-seventh District of the counties of Knox, Clay, Owsley and Leslie; the Twenty-eighth Judicial District of the counties of Pulaski, Rockcastle, Wayne and Clinton.

§ 2. The tenure of the offices of the present circuit judge and Commonwealth's attorney of both the Twenty-seventh and the Twenty-eighth Judicial Districts shall remain and be the same as now required by law.

§ 3. The Governor shall appoint and commission a circuit judge and Commonwealth's attorney in the Thirty-third District, who shall hold their respective offices as such until their successors are elected and qualified. An election shall be held in said district to elect a circuit judge and Commonwealth's attorney at the regular November election, 1907, to succeed the officers appointed under this act.

§ 4. The time of holding court in said three districts shall be as follows:

Twenty-seventh Judicial District.—Knox county, at Barbourville, first Monday in January, twenty-four juridical days; second Monday in April, twenty-four juridical days, and second Monday in August, thirty juridical days.

Clay county, at Manchester, first Monday in February, eighteen

juridical days; second Monday in May, twelve juridical days and second Monday in September, eighteen juridical days.

Owsley county, at Booneville, first Monday in March, twelve juridical days; first Monday in June, twelve juridical days, and second Monday in November, eighteen juridical days.

Leslie county, at Hyden, third Monday in March, eighteen juridical days; third Monday in June twelve juridical days, and second Monday in December, eighteen juridical days.

Twenty-eighth Judicial District.—Pulaski county at Somerset, first Monday in January, thirty juridical days; first Monday in April, twenty-four juridical days, and second Monday in August, thirty juridical days.

Wayne county, at Monticello, first Monday in February, twenty-four juridical days; first Monday in May, eighteen juridical days, and second Monday in September, twenty-four juridical days.

Clinton county, at Albany, fourth Monday in February, twelve juridical days; fourth Monday in May, twelve juridical days, and second Monday in October, twelve juridical days.

Rockcastle county, at Mt. Vernon, second Monday in March, eighteen juridical days; second Monday in June, eighteen juridical days, and first Monday in November, eighteen juridical days.

Thirty-third Judicial District.—Whitley county, at Williamsburg, second Monday in January, thirty juridical days; first Monday in April, twenty-four juridical days, and first Monday in September, thirty juridical days.

Laurel county, at London, second Monday in February, thirty juridical days; first Monday in May, twenty-four juridical days, and first Monday in October, thirty juridical days.

Jackson county, at McKee, second Monday in March, eighteen juridical days; first Monday in June, eighteen juridical days, and second Monday in November, eighteen juridical days.

All laws and parts of law in conflict with this act are hereby repealed.

The amendment as proposed by Mr. Rose by way of substitute for said bill was disagreed to.

The amendment as proposed by Committee on Circuit Courts to said bill as a substitute therefor was agreed to.

Ordered, That said bill as amended by said substitute be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed, said bill was read the third time by its title, and as amended was passed.

The yeas and nays being taken on the passage of said bill as amended, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | John C. Griffith, | Richard S. Rose, |
| Louis W. Arnett, | B. P. Grigsby, Sr., | J. T. Royalty, |
| John Barr, | Paul Gullion, | S. M. Russell, |
| E. Barry, | James A. Hagan, | J. T. Scott, |
| W. G. Baxter, | W. C. Halbert, | Ed. H. Shellman, |
| Charles C. Beard, | Albert Hamilton, | R. C. Simmons, |
| B. O. Becker, | J. A. Hamon, | Emmet P. Slattery, |
| Peter Best, Jr., | C. W. G. Hannah, | W. W. Smith, |
| Joe F. Bosworth, | D. C. Hopper, | W. H. Southall, |
| W. T. Cain, | W. J. Jackson, | Hub L. Stevens, |
| M. F. Campbell, | L. F. Johnson, | John A. Stevens, |
| Bennett Clarke, | W. H. Jones, | Zeb. A. Stewart, |
| Sam. D. Cochran, | Wm. F. Klair, | George W. Stone, |
| H. K. Cole, | Geo. D. Litsey, | D. P. Taggart, |
| W. H. Cole, | H. M. McCarty, | C. C. Terry, |
| Henry M. Cox, | Virgil McKnight, | A. J. Thompson, |
| Ed. Croan, | M. H. McLean, | C. F. Thornton, |
| Henry W. Curle, | Henry C. Miller, | Harry Weitkamp, |
| Charles I. Dawson, | R. W. Miller, | T. A. Weldon, |
| A. L. Denny, | J. M. Mitchell, | W. T. White, |

| | | |
|---|---|---|
| Lawrence J. Diskin, | V. W. Morris, | John B. Wicker, |
| W. Reed Embry, | James S. Morris, | Geo. S. Wilson, |
| J. A. Frazier, | Ed. Mulcahy, | J. T. Wilson, |
| M. T. Freeman, | Ion B. Nall, | Wm. Wilt, |
| Taylor P. Gabbard, | W. J. Osborne, | J. Hal Woodford, |
| Lloyd W. Gates, | Henry G. Overstreet, | W. T. Wright, |
| W. J. Gooch, | C. M. Paynter, | James C. Yaden, |
| A. J. Gorham, | M. M. Redwine, | Will A Young—86. |
| H. H. Griffin, | J. M. Robertson, | |

Those who voted in the negative were—

John R. Ray,

Resolved, That the title thereof be as follows:

"An act to create the Thirty-third Judicial District of Kentucky and to change the Twenty-sixth, Twenty-seventh and Twenty-eighth Circuit Court Judicial Districts of Kentucky, and to provide for holding the courts in the said Twenty-sixth, Twenty-seventh, Twenty-eighth and Thirty-third Districts, and to provide for circuit judges and Commonwealth's attorneys for the same."

Mr. Bosworth moved that the vote by which said bill was passed be re-considered, and that said motion lie on the table.

Said motion was agreed to.

At 11:30 o'clock a. m. the House took up for consideration the special order of the day for that hour, to-wit, a bill entitled

H. B. 257. An act to enable cities of the first class to construct a comprehensive system for the disposition of sewerage.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The mayor of any city of the first class may appoint four

persons, who, with the mayor as a member ex-officio, shall constitute a sewerage commission. Of such appointees, two shall be members of the Democratic party and two members of the Republican party. Each appointee shall be at least twenty-five years of age and reside within the city, and be the owner in his own right of real estate. No officer or employee of the said city, whether holding a paid or unpaid office, shall be eligible for appointment to the said commission. Such appointees shall be subject to the approval of the board of aldermen. The term of office shall be four years, but if the work herein provided for is sooner completed, such term of office shall expire at such completion. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.

§ 2. The persons appointed as provided in the first section shall constitute a body corporate under the name of the Commissioners of Sewerage of Louisville, and shall have capacity to contract and be contracted with, to sue and be sued in that name and to adopt a seal and alter the same at pleasure. Said commission shall elect a chairman from the appointed members. It shall also elect, by unanimous vote, a chief engineer, not a member of the commission, but such chief engineer shall be removable at the pleasure of a majority of the commission. It shall also, by unanimous vote, elect a secretary and treasurer, not a member of the commission, who shall hold the combined office at the pleasure of a majority of the commission. The commission may appoint such clerks, agents or assistants as it may deem expedient and fix their compensation. The chief engineer shall give his entire attention to the affairs of the commission and shall receive as compensation a salary to be fixed by the general council, not exceeding five thousand dollars per annum. The appointed members of the commission shall each receive a salary, to be fixed by the general council, not exceeding three thousand dollars per annum for the chairman and fifteen hundred dollars per annum for each of the others. The secretary and treasurer shall receive a salary, to be fixed by the commission, not exceeding twenty-five hundred dollars per annum.

§ 3. It shall be the duty of the commission to cause to be made a topographical map of the city and such parts of the county adjoining the same as may be necessary. It shall also employ two skilled consulting engineers, who, with the chief engineer of the commission, shall report to the commission several systems, and among them what they consider the best system for the construction, maintenance and operation of a comprehensive system of sewerage for the city, having in view the growth of the city and the extension of its boundaries, and they shall also report the estimated cost of each system. The commission shall have power to pay for the making of such map and also to pay to the consulting engineers such reasonable compensation for their services and expenses as the commission may determine.

§ 4. The chairman, chief engineer and secretary and treasurer of the commission shall each give bond, with approved surety, in such sum as may be fixed by the commission, which bond shall be payable to the commission and oblige the makers thereof to perform faithfully the duties of their several offices, and faithfully account for and pay over all money or other thing of value which may come into their several hands.

§ 5. When the commission shall have determined what system of sewerage is the most expedient to be adopted it shall report the same, as well as the other proposed systems, to the mayor, giving a description of the general plan of each of the various systems of construction proposed, and the probable cost of each. The mayor shall lay this report before the general council and the system recommended by the commission shall be adopted and carried out by the commission unless the system recommended by the commission shall, within thirty days after it has been received by the general council, be rejected and disapproved by a two-thirds vote of all the members of each board of the general council, each of said boards sitting separately. If said system so recommended by the commission be so rejected by the general council, then at any time within thirty days thereafter one or the other of the alternative systems

presented as aforesaid to the general council may be considered by it, and of these systems the one shall finally be adopted which shall be approved by a two-thirds vote of all the members of each board of the general council, each of said boards sitting separately, and if none of the systems so submitted receives the necessary two-thirds vote within thirty days after the one recommended by the commission has been rejected as aforesaid, then said commission, with the approval of the mayor, shall have the right to choose a system and carry it out. The general council shall have no power to vary any system proposed and presented by the commission, but must adopt one of those reported in its entirety.

§ 6. Said commission shall have full power and authority to carry out the purposes of this act, among which powers shall be the following; that is to say:

(1) To make all such preliminary investigations and to do all such preliminary work as should, in its judgment, precede the actual projection, construction and establishment of a system of sewerage.

(2) To construct and establish all such local, district, lateral, intercepting, outfall or other sewers, and all such conduits, drains and pumping or other plants, and all such buildings, structures, works, apparatus or agencies, and to lay all such mains and pipes within the said city or in the county in which such city is located, as it may deem expedient for carrying said system of sewerage projected and adopted into full effect.

(3) To incorporate with said system of sewerage or otherwise utilize for the purpose of this act, so far as it may deem expedient, any or all public sewers or drains, including storm water sewers and drains, and any and all of their appurtenances, either in their present condition or with such repairs, modifications or changes as said commission may see fit to make, and to enlarge or extend, or to condemn, close up, abolish or destroy, in its discretion any or all such existing public sewers or drains, or to alter their functions or to increase their burdens as it may think best.

(4) Besides the chief engineer, the commission may appoint or

employ such other professional or technical advisers and experts and such agents, assistants, clerks, employes and laborers, skilled or unskilled, of all kinds, as it may deem requisite for the due and proper execution of the duties devolved upon it by this act, and may fix their respective compensation and remove or discharge them at pleasure, and may exact from any of its officers or employes such indemnity bonds for the proper performance of their respective duties as it may deem proper.

(5) To establish and enforce such reasonable rules and regulations for its own government and for the supervision, protection, management and conduct of its work as it may deem expedient.

(6) To make and enter into, in its name, any and all contracts agreements or stipulations germane to the scope of its duties and powers under this act.

(7) To purchase, hire or otherwise obtain the use of all such machinery, tools, implements, supplies, appliances, materials and working agencies as it may need for its purposes.

Provided, That this enumeration of special powers in the subdivisions of this section shall not be construed as restricting in any degree the scope of the general powers hereinbefore conferred upon the commission.

§ 7. Said commission may require by gift, purchase or lease, or by condemnation any land or property situated wholly or partly within the city or within the county in which such city is located, or any interest, franchise, easement, right or privilege therein which may be required for the purpose of constructing, establishing, maintaining and operating such sewerage system. The method of condemnation shall be the same as that provided for the condemnation of property for appropriate municipal purposes by cities of the first class.

§ 8. All individuals or corporations having buildings, structures, works, conduits, mains, pipes, tracks, or other physical obstruction in, over or upon the public streets, lanes, alleys, or highways which shall interfere with or impede the progress of said sewerage system

when in process of construction and establishment, shall, upon reasonable notice from said commission, promptly so shift, adjust, accommodate or remove the same at their own cost and expense, as fully to meet the exigencies occasioning such action, and the general council shall have full power, by ordinance, to prescribe the penalty for such failure.

§ 9. All work done or supplies or material purchased in carrying out the purposes of this act, when involving an expenditure of five hundred dollars or more, shall be by contract awarded to the lowest and best bidder; but the commission, with the consent of four of the members, may itself do any part or parts of such work under such conditions as it may prescribe, by day labor, whenever the chief engineer, in writing, shall recommend that course. All bids, or parts of bids, for any such work, or supplies or materials may be rejected by said commission.

§ 10. As and when any portion of said sewerage system shall be complete and ready for active operation, the commission shall restore the street, alley, or other public way through which said completed work extends, to its original condition as near as practicable, and then notify the board of public works and turn over said completed portion to such board, and the same shall thereafter be under the exclusive control of said board of public works.

§ 11. In order to provide money for the projection, construction and establishment of said sewerage system, the general council may adopt an ordinance submitting to the voters of the city, at the November election, 1906, the question whether bonds of the city shall be issued for the purpose of carrying out the work herein provided for. The ordinance shall provide the date and maturity of such bonds, the rate of interest they shall bear and the total amount to be issued, which shall not exceed four million dollars; and the ordinance shall also contain the necessary details in reference to the execution and delivery of said bonds, their denominations, coupons to be annexed, tax to be levied to pay the interest, and a sinking fund to retire such bonds at maturity. Said ordinance for the sub-

mission of the question of issuing bonds to the people may be adopted by the general council either prior or subsequent to the selection of the system to be used in the construction of said sewerage system.

§ 12. If the voters of the city shall determine that such bonds shall be issued they shall, when so issued, be placed under the control of said commission, who shall determine when and at what price and how they shall be sold; provided that no such bonds shall be sold for less than par, and provided, further, that any premium which may be obtained from said bonds shall constitute a part of the sinking fund for their ultimate retirement. As the said bonds are sold their proceeds shall go to the credit of the commission, in the same depositaries which are selected for the deposit of the funds of the sinking fund commissioners of the city, and upon the same agreement as to interest, and shall be withdrawn only upon the checks of the secretary and treasurer of the commission, countersigned by the chairman, accompanying a voucher approved by the chief engineer.

§ 13. All disbursements of the commission, including compensation to its members, or officers, engineers, and others employed by it, shall come out of the proceeds of the sale of the said bonds; provided, however, that the commission shall have the right to borrow enough money to defray the liabilities incurred by it up to the time it shall receive such proceeds, and in the event that the voters of the city shall reject the said ordinance, then the city shall be responsible for the payment of all money so borrowed, and provided that in the event the said ordinance to be submitted to the people is not adopted by them, then on the first day of December, 1906, the powers herein granted to the said commission shall cease and the said commission shall stand dissolved.

§ 14. Upon the dissolution of the said commission as provided in section 13, or upon its dissolution growing out of its completion of the work and the consequent expiration of the terms of the members of the commission, all property, real, personal and mixed, franchises, easements, maps, plans, books, and papers, shall, by opera-

tion of law and whether acquired by gift, purchase, condemnation or any other method, vest in and become the property of the city, and all money then in the hands of the commission shall be by it turned over to the city to be used first to defray any liabilities which have been incurred by the commission, and, second, the balance, if any, to be paid into the hands of the commissioners of the sinking fund of such city to be used by them as a sinking fund for the bonds hereinbefore provided for.

§ 15. Section 2825, Kentucky Statutes, vesting a certain exclusive control in the board of public works, shall, to the extent that it conflicts with this act, stand repealed; provided, that such exclusive control of the board of public works shall attach and thereafter continue as provided in section 10 of this act.

§16. This act shall become a law from and after its passage, there being an emergency for the immediate taking effect of this act by reason of the fact that cities of the first class are in urgent need of a comprehensive system of sewerage.

Ordered, That said bill be read the third time.

The provision of the Constitution as to the third reading of the said bill at length being dispensed with, the said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | A. J. Gorham, | John R. Ray, |
| John Barr, | John C. Griffith, | M. M. Redwine, |
| E. Barry, | B. P. Grigsby, Sr., | J. M. Robertson, |
| W. G. Baxter, | Paul Gullion, | Richard S. Rose, |
| Charles C. Beard, | James A. Hagan, | J. T. Royalty, |
| B. O. Becker, | W. C. Halbert, | S. M. Russell, |
| Peter Best, Jr., | Albert Hamilton, | J. T. Scott, |
| Joe F. Bosworth, | J. A. Hamon, | Ed. H. Shellman, |

H. Kirby Bourne,
W. T. Cain,
M. F. Campbell,
N. B. Chipman,
J. W. Clay,
Sam. D. Cochran,
H. K. Cole,
W. H. Cole,
Henry M. Cox,
Ed. Croan,
Henry W. Curle,
A. L. Denny,
Lawrence J. Diskin,
Thomas Drewry,
Robert Enlow,
J. A. Frazier,
M. T. Freeman,
Taylor P. Gabbard,
Lloyd W. Gates,
W. J. Gooch,
C. W. G. Hannah,
D. C. Hopper,
W. J. Jackson,
L. F. Johnson,
W. H. Jones,
Wm. F. Klair,
Geo. D. Litsey,
H. M. McCarty,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
Chris Mueller,
J. M. Mitchell,
V. W. Morris,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
Emmet P. Slattery,
W. H. Southall.
Hub L. Stevens,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
D. P. Taggart,
C. C. Terry,
C. F. Thornton,
Harry Weitkamp,
T. A. Weldon,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Wm. Wilt,
J. Hal Woodford,
W. T. Wright,
James C. Yaden,
Will A. Young—84.

Those who voted in the negative—none.

Resolved, That the title thereof be as aforesaid.

Mr. Slattery moved that the vote by which the passage of said bill be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At 11:45 a. m. the House took up for consideration the special order of the day for that hour, to-wit, a bill entitled

H. B. 140. An act to amend section 1 of an act, entitled An act to regulate the holding of circuit court in counties in which there are towns over seventeen miles from the county seat and having a larger population than the county seat, which act was approved February 29, 1904.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky.

§ 1. That section one of an act, entitled An act to regulate the holding of circuit courts in counties in which there are towns over seventeen miles from the county seat, and having a larger population than the county seat, which act was approved February 29, 1904, be amended by striking out the word "seventeen" of said section one, and placing instead thereof the word "ten," so that when said section, as so amended, will read and be as follows:

"That in all counties in the State having a town not larger than the fourth class and containing a population larger than that of the county seat according to the federal enumeration 1900, and situated over ten miles from the county seat, the circuit court for each of said counties shall be held alternately so as to divide the time between the county seat and the larger town as the business may require. The first part of each term as now provided by law to be held at the county seat, and the other part of the term to be held at the larger town."

§ 2. This act to take effect under the provision of the Constitution.

Ordered, That said bill be read the third time.

The provision of the Constitution as to the reading of the said bill at length being dispensed with the said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | Taylor P. Gabbard, | John R. Ray, |
| Louis W. Arnett, | Lloyd W. Gates, | M. M. Redwine, |

E. Barry,
Charles C. Beard,
B. O. Becker,
Peter Best, Jr.,
Joe F. Bosworth,
W. T. Cain,
M. F. Campbell,
N. B. Chipman,
Bennett Clarke,
J. W. Clay,
Sam. D. Cochran,
H. K. Cole,
W. H. Cole,
Henry M. Cox,
Charles I. Dawson,
A. L. Denny,
Lawrence J. Diskin,
Thomas Drewry,
J. A. Frazier,
W. J. Gooch,
A. J. Gorham,
H. H. Griffin,
John C. Griffith,
Paul Gullion,
James A. Hagan,
W. C. Halbert,
Albert Hamilton,
D. C. Hopper,
L. F. Johnson,
W. H. Jones,
Wm. F. Klair,
H. M. McCarty,
M. H. McLean,
J. M. Mitchell,
James S. Morris,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
J. M. Robertson,
Richard S. Rose,
J. T. Royalty,
S. M. Russell,
Emmet P. Slattery,
W. W. Smith,
W. H. Southall,
D. P. Taggart,
C. C. Terry,
C. F. Thornton,
Harry Weitkamp,
T. A. Weldon,
Geo. S. Wilson,
J. T. Wilson,
Wm. Wilt,
W. T. Wright,
James C. Yaden,
Will A. Young—62.

Those who voted in the negative were—

H. Kirby Bourne,
Ed. Croan,
Henry W. Curle,
W. Reed Embry,
Robert Enlow,
M. T. Freeman,
B. P. Grigsby, Sr.,
C. W. G. Hannah,
W. J. Jackson,
Geo. D. Litsey,
Henry C. Miller,
R. W. Miller,
Chris Mueller,
V. W. Morris,
Ed. Mulcahy,
Ion B. Nall,
Ed. H. Shellman,
R. C. Simmons,
Hub L. Stevens,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
A. J. Thompson,
W. T. White,
J. Hal Woodford—25.

Resolved, That the title thereof be as aforesaid.

Mr. Redwine moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The hour of 12 o'clock, meridian, having arrived, the hour of the

joint special order of the day, in conformity to the concurrent resolution of the two houses, to-wit, for the purpose of receiving the Hon. John G. Carlisle and hearing an address from him.

The Senate in order appeared and took seats on the floor of the House and Mr. Simmons of the special committee presented to the joint assembly the Hon. John G. Carlisle who delivered a very able and interesting address.

After which the joint assembly took a recess of ten minutes to pay their respects individually to the distinguished visitor. At the expiration of the ten minutes the joint assembly dissolved and the Speaker called the House to order.

Mr. Klair moved that the consideration of the order of the day be postponed for the day.

Said motion was agreed to.

The committees to which the same had been referred reported bills of the following titles, with the expression of opinion that said bills ought not to pass:

By Mr. R. W. Miller, of the Committee on Codes of Practice:

H. B. 134. An act to amend section 606 of the Civil Code of Practice, and to re-enact the same as amended.

By Mr. Croan, of the Committee on Railroads:

H. B. 96. An act to prevent unjust discrimination by transportation companies.

The question being severally taken on ordering said bills to a reading, the opinion of the committee to the contrary notwithstanding, it was decided in the negative, and so said bills were rejected.

Mr. Croan, of the Committee on Railroads, to which was referred a bill entitled

H. B. 126. An act to amend section 795 of the Kentucky Statutes, relating to railroads,

Reported the same with the expression of opinion that said bill ought not to pass.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 795 of the Kentucky Statutes, compiled and edited by John D. Carroll and issued in 1903, be, and the same is hereby, amended and revised so as to read as follows:

"Any railroad company or corporation, person or persons running or otherwise operating railroad cars or coaches or cars over street railways or interurban lines by steam, electricity or otherwise, or any railroad line or track within this State, and all railroad companies, including street railroad companies and interurban line companies, person or persons doing business in this State, whether upon lines of railroads, whether owned in part or whole, or leased by them, and all railroad companies, including street railroad companies and interurban line companies, person or persons, operating railroad lines that may hereafter be built under existing charters, or charters that may hereafter be granted in this State, and all foreign corporations, companies, person or persons organized under charters granted, or that may be hereafter granted by any other State, who may be now or may hereafter be, engaged in running or operating any of the railroads of this State, either in part or whole, either in their own name or that of others, are hereby required to furnish separate coaches or cars for the travel or transportation of the white and colored passengers or their respective lines of railroad; each compartment of the coach divided by a good and substantial wooden partition, with a door therein, shall be deemed a separate coach within the meaning of this act, and each separate coach or compartment shall bear in some conspicuous place

appropriate words in plain letters indicating the race for which it is set apart."

The question being taken on ordering the said bill to a reading the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Thornton and Mulcahy, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | Geo. D. Litsey, | George W. Stone, |
| Louis W. Arnett, | R. W. Miller, | A. J. Thompson, |
| H. Kirby Bourne, | Ed. Mulcahy, | C. F. Thornton, |
| N. B. Chipman, | Henry G. Overstreet, | W. T. White, |
| A. L. Denny, | John R. Ray, | John B. Wicker, |
| Robert Enlow, | Ed. H. Shellman, | Geo. S. Wilson, |
| Lloyd W. Gates, | John A. Stevens, | J. T. Wilson, |
| Paul Gullion, | Zeb. A. Stewart, | J. Hal Woodford—25. |
| W. J. Jackson, | | |

Those who voted in the negative were—

| | | |
|---|---|---|
| John Barr, | Taylor P. Gabbard, | Ion B. Nall, |
| E. Barry, | W. J. Gooch, | W. J. Osborne, |
| Charles C. Beard, | A. J. Gorham, | C. M. Paynter, |
| B. O. Becker, | H. H. Griffin, | M. M. Redwine, |
| Joe F. Bosworth, | John C. Griffith, | J. M. Robertson, |
| W. T. Cain, | James A. Hagan, | Richard S. Rose, |
| W. F. Campbell, | W. C. Halbert, | J. T. Royalty, |
| Bennett Clarke, | Albert Hamilton, | S. M. Russell, |
| J. W. Clay, | J. A. Hamon, | R. C. Simmons, |
| H. K. Cole, | C. W. G. Hannah, | Emmet P. Slattery, |
| W. H. Cole, | D. C. Hopper, | W. W. Smith, |
| Ed. Croan, | L. F. Johnson, | Hub L. Stevens, |
| Henry W. Curle, | W. H. Jones, | D. P. Taggart, |
| Charles I. Dawson, | Wm. F. Klair, | C. C. Terry, |
| Lawrence J. Diskin, | H. M. McCarty, | Harry Weitkamp, |
| Thomas Drewry, | M. H. McLean, | T. A. Weldon, |

| | | |
|---|---|---|
| W. Reed Embry, | J. M. Mitchell, | Wm. Wilt, |
| J. A. Frazier, | V. W. Morris, | W. T. Wright, |
| M. T. Freeman, | James S. Morris, | Will A. Young—57. |

And so said bill was rejected.

The committees to which the same had been referred, reported bills of the following titles, viz.:

By Mr. H. K. Cole, of the Committee on Internal Improvements:

H. B. 135. An act to amend subsection 5, section 2412a, Kentucky Statutes.

By Mr. McCarty, of the Committee on Printing:

H. B. 114. An act to amend section 1846 of the Kentucky Statutes.

By same:

H. B. 122. An act to amend section 1933 of the Kentucky Statutes, concerning proclamations by Governor or rewards for fugitives from justice.

By Mr. R. W. Miller, of the Committee on Codes of Practice:

H. B. 120. An act to repeal chapter 122 of the Session Acts of 1902.

By same:

H. B. 121. An act to amend section 189, article 3, chapter 6, of the criminal codes.

By Mr. Redwine, of the Committee on Kentucky Statutes:

H. B. 215. An act dividing the State of Kentucky into thirty-eight Senatorial districts.

With an amendment thereto by way of substitute therefor.

By same:

H. B. 74. An act to amend section 900 of the Kentucky Statutes, concerning costs.

By same:

H. B. 72. An act regulating the carrying on of business under an assumed or fictitious name.

With an amendment thereto.

By same:

H. B. 104. An act to amend section 1303 of the Kentucky Statutes for the benefit of the widows and infant children of this Commonwealth.

By Mr. Croan, of the Committee on Railroads:

H. B. 97. An act to carry into effect the provisions of section 197 of the Constitution and to provide penalties for the violation thereof.

Said bills were severally read the first time at length and ordered to be placed on the calendar.

Mr. Gooch, of the Committee on Rules, to which the same had been referred, reported a resolution heretofore offered by Mr. Rose (see House Journal, January 24th), with the expression of opinion that same ought not to be adopted.

Said resolution was disagreed to.

And then the House adjourned.

FRIDAY, FEBRUARY 2, 1906.

The House was opened with prayer by the Rev. J. O. A. Vaught, of the M. E. Church, South.

The reading of the Journal of yesterday's proceedings was dispensed with and the same was approved.

Upon the call of the counties and Representative districts, the following bills were introduced, ordered to be printed and referred to the committees, respectively, as follows:

By Mr. Weldon:

H. B. 368. An act to amend section 3637 of the Kentucky Statutes, relating to the powers of the city council in cities of the fifth class.

Referred to Committee on Cities of the Fourth, Fifth and Sixth classes.

By Mr. Diskin:

H. B. 369. An act to amend article 8 of an act, entitled An act for the government of cities of the second class in this Commonwealth.

Referred to Committee on Municipalities.

By Mr. Redwine:

H. B. 370. An act to amend section 1136, Kentucky Statutes.

Referred to Committee on Kentucky Statutes.

By Mr. Wilt:

H. B. 371. An act to apportion to cities of the fifth and sixth classes a part of the revenue collected in their respective counties for turnpike and road purposes.

Referred to Committee on Cities of the Fourth, Fifth and Sixth Classes.

By Mr. Bourne:

H. B. 372. An act to amend an act amending section 965 of Kentucky Statutes, 1903, relating to the time of holding court in the Twelfth Judicial District.

Referred to Committee on Circuit Courts.

By Mr. Nall:

H. B. 373. An act to regulate the sale of concentrated feeding stuffs, defining same and fixing penalties for violations thereof.

Referred to Committee on Agriculture.

By Mr. Alverson (by request):

H. B. 374. An act authorizing the taking of depositions in shorthand (stenographic notes) in all of the courts of this Commonwealth and regulating the fees thereof.

Referred to Committee on Circuit Courts.

By Mr. Dawson:

H. B. 375. An act transferring the city of Russellville in Logan county from cities of the firth class to cities of the four class.

Referred to Committee on Classification of Cities and Towns.

By Mr. McKnight:

H. B. 376. An act to amend section 265, chapter 265, Kentucky Statutes, and repeal section 266 and enact a section in lieu thereof.

Referred to Committee on Kentucky Statutes.

By Mr. Head:

H. B. 377. An act to provide for the appointment of a State printing superintendent defining his duties and providing compensation therefor.

Referred to Committe on Printing.

By Mr. Smith:

H. B. 378. An act to amend an act for the government of cities of the first-class.

Referred to Committee on Municipalities.

By same:

H. B. 379. An act for the assignment of wages by wage earners.

Referred to Committee on Immigration and Labor.

By Mr. Drewry (by request):

H. B. 380. An act to further regulate the business of fire and and tornado insurance in this Commonwealth.

Referred to Committee on Insurance.

By Mr. Arnett:

H. B. 381. An act to make names and addresses or lists thereof enjoy the protection of property rights and to prevent and punish the unlawful taking and conversion of names and addresses of persons used by business houses in connection with their business.

Referred to Committee on Kentucky Statutes.

By Mr. Alverson:

H. B. 382. An act to appoint commissioners to purchase for the Commonwealth of Kentucky the property known as Crab Orchard Springs property, situated in Lincoln county, Ky., for the establishment of an asylum for the care and keeping of pauper idiots, epileptics and harmless incurables, and to appropriate for that purpose the sum of $42,000.

Referred to Committee on Charitable Institutions.

Mr. Nall, of the Committee on Enrollments reported that they had examined and found correctly enrolled a resolution entitled:

H. Res. 1. Resolution providing for furnishing copies of Kentucky Statutes and Codes of Practice to Chairmen of said Com-

mittees of Senate and House and the Official Manual of Kentucky to the General Assembly and certain officials.

Thereupon all other business was suspended and the said resolution was read at length and compared and being found correctly enrolled, the Speaker in open session, and in the presence of the House affixed his signature thereto.

Ordered, that the Enrolling Clerk deliver the same to the Senate for like action.

The Speaker announced as the committee provided by the resolu- offered by Mr. Barry on yesterday Messrs. Barry, Gooch, Hub. L. Stevens, Redwine and Mitchell.

(For resolution see yesterday's Journal.)

Mr. Southall, of the Board, heretofore drawn and sworn to determine the contest for the right to a seat in this House as Representative from the Forty-seventh Representative District (which is in the City of Louisville), wherein James A. Dorsey is contestant and Chris. Mueller is contestee, offered the following report of the majority of said Board, viz.:

Before the House of Representatives of the General Assembly of the Commonwealth of Kentucky.

James A. Dorsey, Contestant v. Chris. Mueller, Contestee.

MAJORITY REPORT.

The undersigned, a majority of the Committee selected to try the above styled contest, respectfully report as follows:

That they gave the record in this case, which is a large one, a careful and patient investigation. The Forty-seventh District is entirely within the city of Louisville and is composed of the Second and Third Wards. In the second ward there are fourteen precincts in which precincts there are 1,818 votes cast for contestee and 1,255

votes cast for contestant, a total of 3,073 and of this number contestee received a majority of 563.

There is no contest in this ward, or any precinct therein. It was admitted by counsel for contestant in his statement before the general contest committee that the election in this ward was reasonably fair and honest. In the third ward there are thirteen precincts. In twelve of these precincts there were returns made by officers of the election and in these twelve precincts contestee received 1,440 votes and contestant 982 votes, being a majority for contestee of 458 votes and in both wards contestee received a majority of 1021.

There is in the notice of contest a general allegation of fraud and conspiracy covering both wards and the entire district, and vague and general charges of fraud and intimidation before and on registration day, but there is no satisfactory proof or in fact any proof to sustain these general charges. The contestant places his entire contention upon five precincts of the third ward. In one of these precincts, the thirty-eighth of the third ward, it appears that between three and four o'clock on the afternoon of the election some men drove up to the poll in a wagon, and thereafter two men in a buggy came up, and these two men, or two from the wagon entered the voting place and with drawn pistols took possession of the ballot box and carried the same out of the voting place, and it was there put in the buggy and taken away, and what became of it does not satisfactorily appear, and there were no returns from that precinct. There is not a scintilla of proof connecting contestee with this outrage nor is there any proof connecting either party with this outrage. Why it was done is not disclosed in the record and can not even be guessed at and the counting or the non-counting of the votes of this precinct did not in any manner affect the election, the registration of that precinct being 211, and if all these votes were counted for the contestant, contestee would be still elected by over 800 votes.

In the thirty precincts of the third ward it is charged that fifteen persons voted for contestee who did not reside in the precinct,

and had no right to vote therein. There is no satisfactory proof of this fact, but conceding it to be true, that would reduce contestee's majority to 795 votes, if contestant is given the entire 211 votes of the thirty-eighth precinct.

In the twenty-ninth precinct of the third ward, it is charged that on registration day the clerk signed the names of all four officers to a number of the registration certificates. The proof shows that the Republican judge was unable to write and was also drunk during the registration and at the request of the other officers the clerk did sign their names to some of the registration certificates, which under the circumstances was permissible. It is charged that in this precinct fifty who did not reside therein were allowed to register. There is no proof to sustain this allegation. It is said that on election day as many as thirty negroes came and offered and were allowed to vote because they presented registration tickets apparently showing them entitled to vote. It is charged in notice of contest, that these negroes did not reside in the precinct, and that afterwards other men came in bearing these same names and presenting certificates and claiming to be entitled to vote. And it is claimed that those thirty who attempted to vote and whose names had already been voted if permitted to vote would have voted for contestant. The proof does not sustain the allegation. It shows that persons came in there with certificates showing them entitled to vote and they were permitted to vote and that there subsequently came in others with certificates showing the names of those who had already voted and they were not allowed to vote. All these parties were negroes, and which was entitled to vote and which was not the record does not disclose, nor can any blame be attached to the election officers for allowing those who first came to cast their votes. But if contestant had got the benefit of all these and the thirty votes that he said he would have gotten, were counted for him, and the thirty who voted and are said to have voted for contestee and taken from his vote, it would make a difference of sixty against contestee and would reduce his majority to 735 votes.

In the twenty-eighth precinct, third ward, it is charged that no less than eighty names of non-residents of that precinct were placed upon the registration books and when an effort was made by persons working for contestant to serve notice of motions to have those names stricken from the list such persons were attacked by friends of contestee and were prevented from the performance of their duties. The proof does not in any manner sustain these charges, and there is nothing to cause the undersigned to conclude that eighty or any number of votes were fraudulently placed upon the registration books, and the undersigned state that it was afterwards decided by the Jefferson county court, that a private person had no right to serve a notice that a motion would be made to strike names from the registration books.

It is charged than one Ahern on registration day entered the place of registration and attacked the Republican judge, and threatened to kill him for challenging persons offering to register. There is no proof to sustain these allegations, evidence showing that Ahern did go into the place of registration and protest against the Republican judge delaying the registration, but used no violence towards him, and the proof shows that in a short time thereafter the Republican judge and Ahern went out together in a very friendly manner and proceeded to a neighboring saloon where they drank together.

There is no proof showing that on election day in this precinct the sheriff of election discriminated against those who wished to vote for contestant, and there is no proof to show that any misconduct was indulged in by any of contestee's friends or political adherents at this poll on election day.

In the twenty-seventh precinct of the third ward it is charged that the Republican sheriff was arrested upon the morning of the election, and this is true, the proof showing that on the night before a warrant had been sworn out for his arrest (he having attempted on the evening before to kill a man by shooting him, and the man's life was saved by the pistol snapping and not dis-

charging.) The warrant was placed in the hands of a policeman, who, on the morning of the election arrested the man for whom he had a warrant of arrest and the proof shows that the policeman knowing him to be a dangerous man and fearing violence from him, threw his arms around him and feeling something hard in his pockets examined them, and in one pocket he found a long, black bottle filled with either whisky or wine, and in the other a loaded pistol. The majority of this committee is of the opinion that the policeman did exactly right in arresting this Republican officer under these circumstances. It is said that at this poll a man was sworn in as sheriff who was not of the same political party as the Republican sheriff who was arrested, and that this man by his conduct prevented at least fifty registered voters who would have voted for contestant from voting and that no challengers for the Republicans was allowed in the poll until half past ten in the morning. The proof does not sustain any of these allegations, but giving the contestant the benefit of his claim that fifty were prevented from voting that would have voted for him, this reduces contestee's majority to 745.

These precincts were all that were attacked by the contestant, and the undersigned have herein stated substantially the proof from each precinct and from this it is very evident that no court and no legislative committee would deprive contestee of the seat upon this evidence, nor deny the right to the legal voters of that district who voted for him to have their preference declared, and to unseat contestee would be in effect to deny these voters the right of representation, and to declare the election void would be to hold that the 5,495 voters who voted for contestant and contestee in that ward had no rights in the premises and would in effect disfranchise them. There is nothing in the law or in the opinion of this committee, in common sense, that would permit an action that would result in unseating contestee or in declaring the election void. The Court of Appeals has said in the case of Motley v. Wilson, 26 Law Reporter, 2013, that

"There are usually irregularities in all elections, and, as a general rule, the misconduct of the election officers will not vititate an election unless it is shown that the result was thereby affected. The true policy of the law is to sustain elections, and they will not be set aside on the ground of frauds unless the facts are such as to definitely show, that there has been such fraud in the conduct of the election that neither candidate can be adjudged to have been fairly elected. To set aside an election is to deprive all the voters who voted at that election of their ballot, and it is to deprive the person who is successful at the election of the office which he won. The result therefore of the election should not be lightly set aside. Appellant does not show that the result of the election was affected. He merely shows that it might have been affected. He does not show that fraud was practiced against him. He only shows that it might have been practiced. There is nothing in this record to connect appellee in any way with the fraud or alleged fraud. A man should not be deprived of the office to which he has been elected by the fraud of third persons with which he is in no way connected, unless the fraud affected the result.

This fully states the law and being governed by it the undersigned see no proof in this record and can come to no other conclusion than that contestee is entitled to his seat. The case of Early v. Raines, decided November 15, 1905, and found in volume 28, Kentucky Law Reporter, page 415 has been cited as sustaining contestant's contention that this election should be set aside, but a careful reading of this opinion does not bear out this contention, nor does it in any manner militate the law as stated in Motley v. Wilson, the Raines case holding in effect that where there has not been a substantial compliance with the law in the conduct of elections the election should be declared void. In this case there was a substantial compliance with the law, and in the case of Napier v. Cornett, 24 Law Reporter, vol. 1, page 576, the Court of Appeals held that in certain precincts the conduct of the election was such as to require these precincts to be thrown out, if it did not change

the result, the election was to stand. If all of the precincts complained of by the contestant were thrown out the result of the election would not be changed, and the undersigned are of the opinion that contestant should be allowed nothing for his expenses or attorney's fees in this contest, and the undersigned members of this committee recommend the adoption of the following resolution:

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, That contestee Chris. Mueller was on November 7, 1905, legally elected a member of the House of Representatives of Kentucky, from the Forty-sixth Representative District of Kentucky, and that the certificate of election was properly awarded to him that he is entitled to a seat in this body, as Representative, and be it further resolved by the House of Representatives, that there be allowed to the contestee, Chris. Mueller the sum of $20.00 for his expenses in said contest, and that there be allowed to his attorney of record the sum of $150.00 for his services in said contest, and that there be allowed to Frank L. Ward, the sum of $31.25, balance due him for stenographic services on behalf of contestee in this contest. Said sums to be paid as contingent expenses of the House and they are hereby declared to be such, and the Auditor of State will draw his warrants for said sums in favor of the above named persons, and the clerk will certify to him the attorney of record for the contestee, when there is presented to him a voucher for said sums, countersigned by the clerk of the House, and the Treasurer of State will draw his check for the amount of said warrants in favor of the above named persons.

W. H. SOUTHALL,
JAS. A. FRAZIER,
JOHN R. BARRY,
HENRY M. McCARTY,
G. D. LITSEY.

Mr. Embry, of the said board, presented the following report of the minority of said board, viz.:

## MINORITY REPORT OF BOARD OF CONTEST.

James A. Dorsey, contestant v. Chris. Mueller, contestee.

As a board to examine the law and the evidence and make a report in accordance therewith in the above styled contest, and having given our sacred oath to act impartially in the matter and render a true verdict, we, the minority of the said board, respectfully submit the following for the consideration of this honorable body:

The board, after carefully reading and considering all the testimony offered by the contestant and contestee, going tediously through all the depositions relative to the subject and weighing them according to their relative merits, does now report that in the opinion of the undersigned there was not held a full and fair election for Representative in the Forty-sixth District of Kentucky on the 7th of November, 1905.

In a great many of the precincts in this district, it is proven upon good authority that repeaters were voted who had no right to vote and in several instances they voted in the name of legal voters who afterward offered themselves to vote, and were denied the right of suffrage because their names had already been voted by some one else.

It is further proven that the police refused to arrest any "repeaters," although they were requested to do so by the Republican election officers. In one instance a constable arrested one of these illegal voters on a warrant sworn out before a magistrate, and while on his way to the jail with the culprit was attacked by a captain of the police force, who released the prisoner and arrested the constable and took him to the police station where he was fined for disorderly conduct, because he had resisted the interference of the captain of the police force.

It is proven by a great preponderance of the testimony in a large number of cases that many illegal voters were allowed to vote, although evidence was offered to show they had no such right.

In one precinct one of the officers of election was interfered with by an outsider, was choked and his life threatened if he did not cease objecting to the casting of illegal votes.

The most flagrant fraud, which is uncontroverted by any testimony for the contestee and is corroborated by his witnesses was in the thirty-eighth precinct of the third ward, where, shortly after the closing of the polls the ballot box was taken from the election officers by eight men at the point of their pistols, was transferred to a saloon and the ballots burned. This was done apparently with the connivance of the police, as they absented themselves from the place shortly before the deed was done.

The law in regard to elections is laid down by Judge Lewis in the case of the Commonwealth v. McClelland, which says:

"Elections are free and equal only when all to possess the requisite qualifications are afforded a reasonable opportunity to vote without being molested or intimidated, and when the polls are in each precinct alike freed from the interference of contamination of fraudulent voters:"

In the case of Early, et al v. Raines, et al., decided the fifteenth of last November, in discussing what constitutes a free and fair election the Court of Appeals says:

"That a majority of the legal voters were given an opportunity to register and vote is obviously not a free and fair election. All legal voters should have the privilege and right."

In view of the law and the facts, the undersigned members of this board recommend that this election shall be declared null and void and be remanded to the people that they may be given a full and fair expression of their choice.

The board further recommends that no attorney's fees be allowed.

W. REED EMBRY, Chairman.

L. W. ARNETT.

The question being taken on the adoption of the report of the minority, as above set out, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Klair and Alverson, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | H. K. Cole, | V. W. Morris, |
| Charles C. Beard, | W. H. Cole, | Richard S. Rose, |
| Joe F. Bosworth, | A. L. Denny, | R. C. Simmons, |
| M. F. Campbell, | W. Reed Embry, | W. W. Smith, |
| Bennett Clarke, | W. H. Jones, | Harry Weitkamp—15. |

Those who voted in the negative were—

| | | |
|---|---|---|
| J. M. Alverson, | James A. Hagan, | J. T. Royalty, |
| John Barr, | J. A. Hamon, | S. M. Russell, |
| E. Barry, | L. P. Head, | J. T. Scott, |
| W. G. Baxter, | W. J. Jackson, | Ed. H. Shellman, |
| Peter Best, Jr., | Wm. F. Klair, | Emmet P. Slattery, |
| H. Kirby Bourne, | Geo. D. Litsey, | W. H. Southall, |
| N. B. Chipman, | H. M. McCarty, | Hub L. Stevens, |
| Sam. D. Cochran, | Virgil McKnight, | John A. Stevens, |
| Henry M. Cox, | M. H. McLean, | Zeb. A. Stewart, |
| Ed. Croan, | Henry C. Miller, | George W. Stone, |
| Henry W. Curle, | R. W. Miller, | C. C. Terry, |
| Charles I. Dawson, | J. M. Mitchell, | A. J. Thompson, |
| Lawrence J. Diskin, | James S. Morris, | C. F. Thornton, |
| Thomas Drewry, | Ed. Mulcahy, | T. A. Weldon, |
| Robert Enlow, | Ion B. Nall, | W. T. White, |
| J. A. Frazier, | W. J. Osborne, | John B. Wicker, |
| Lloyd W. Gates, | Henry G. Overstreet, | J. T. Wilson, |
| A. J. Gorham, | C. M. Paynter, | Munnell Wilson, |
| H. H. Griffin, | John R. Ray, | J. Hal Woodford, |
| John C. Griffith, | M. M. Redwine, | W. T. Wright, |
| Paul Gullion, | J. M. Robertson, | James C. Yaden—63. |

The question was then taken upon the adoption of the report of the majority of said board as above set out, and it was decided in the affirmative.

It was thereupon ordered and adjudged by the House, That Chris.

Mueller was at the regular election, November the 7, 1905, duly and regularly elected Representative from the said Forty-seventh District, and as such is entitled to a seat in this House.

Mr. McKnight offered the following resolution, viz.:

Resolution, That the committee appointed to arrange for memorial exercises in memory of Governor Goebel, be authorized to purchase suitable floral designs for decorating the grave.

Said resolution was agreed to.

Leave of absence for an indefinite time was granted to Messrs. Grigsby, Barr, Barry, Gooch, Cain, and Chapman.

The Committees to which the same had been referred, reported bills of the following titles, viz.:

By Mr. Simmons, of the Committee on Judiciary:

H. B. 137. An act to amend section 4692, of the Kentucky Statutes, being a portion of chapter 126, title "Treasurer-State."

By same:

H. B. 291. An act to regulate the employment of legislative council and agents and to provide for the return legislative expenses.

By same:

H. B. 333. An act to prevent the operation of pool rooms, and fixing the penalty for its violation.

By same:

H. B. 290. An act to prohibit influencing of agents, employes or servents.

By same:

H. B. 280. An act qualifying the risks to be deemed as assumed by employes.

By same:

H. B. 205. An act fixing the rate of interest to be charged guardians, curators and committees.

With an amendment thereto.

By same:

H. B. 276. An act to regulate and control the appointment or election of persons to offices or places of trust or profit by boards or bodies of public officers.

By same:

H. B. 190. An act to permit defendants in civil suits for damages for an assault, or an assault and battery, to plead mitigating facts and circumstances as a defence to the claim for punitive damages, and to introduce such facts and circumstances in evidence in mitigation of damages.

By same:

H. B. 341. An act authorizing Willam Bolling to sue the Commonwealth of Kentucky.

With an amendment thereto.

By same:

H. B. 248. An act concerning children.

With an amendment thereto.

By Mr. Southall, of the Committee on Charitable Institutions.

H. B. 14. An act for the benefit of the Kentucky School for the Deaf.

By Mr. H. C. Miller, of the Committee on Education No. 1, which had originated the same:

H. B. 383. An act to further regulate the common schools of the State, provide for the election of a county board of education, defining their powers and appointment of official school visitors.

The said bills were severally read the first time at length and ordered to be placed upon the calendar.

Mr. Simmons of the Committee on Judiciary, to which the same had been referred, reported a resolution, entitled

H. Res. 10. A resolution raising a joint committee to visit the county of Breathitt, to investigate the conditions therein with reference to lawlessness existing or imminent and to report to this General Assembly.

Mr. Klair moved that the further consideration of said resolution be postponed and that the same be made the special order of the day for Wednesday next, the 8th inst., at 10:30 o'clock a. m.

The said motion was agreed to.

A message was received from the Senate, announcing that they had passed bills of the following titles:

1. S. B. 19. An act to amend and re-enact section 4426 of the Kentucky Statutes.

2. S. B. 26. An act to appropriate funds for the improvement of the Western Kentucky Asylum for the Insane, at Hopkinsville, Kentucky.

3. S. B. 55. An act to put financial corporations, which heretofore paid State taxes under the revenue act of 1886, known as the "Hewitt Law" on the same footing with the banks and trust companies of this State in reference to the overpayment of taxes.

4. S. B. 61. An act providing for the continuation of the geological, topographical and agricultural survey of the State of Kentucky, and for the continuation of topographical surveys in co-operation with the United States geological survey.

5. S. B. 123. An act relating to the possession of land and in-

terest therein where there has been or may be a severance of the mineral or other interest from the surface.

6. S. B. 124. An act to amend and re-enact section 1546 and 1547 of the Kentucky Statutes.

7. S. B. 128. An act to amend section 4315, Kentucky Statutes.

Said bills were ordered to be printed and were by the Speaker referred as follows:

First, to the Committee on Education No. 2.

Second, to the Committee on Charitable Institutions.

Third, to the Committee on Revenue and Taxation.

Fourth, to the Committee on Geological Survey.

Fifth and Seventh to the Committee on Kentucky Statutes.

Sixth, to the Committee on Suffrage and Elections.

The House took up for consideration from the calendar, bills of the following titles:

H. B. 76. An act to amend and re-enact an act, to provide for the inspection of nursery crop and to prevent the dissemination of noxious insects and fungi.

S. Res. 2. A resolution providing for the payment of expenses of the revenue commission and its secretary.

H. B. 324. An act to amend section 1085, article 7, chapter 35 of the Kentucky Statutes, which relate to justices courts.

H. B. 327. An act to provide for proper recognition of proficiency acquired by students who attend the normal department of the A. & M. College of Kentucky.

H. B. 49. An act to provide an appropriation for the erection and equipment of buildings for the use of the agricultural depart-

ment, and of the normal school of the Agricultural and Mechanical College of Kentucky.

H. B. 40. An act regulating the testing, grading, weighing, milling, selling and purchase of wheat.

H. B. 110. An act providing for the continuation of the geological, topographical and agricultural survey of the State of Kentucky, and for the continuation of topographical surveys in cooperation with the United States geological survey.

H. B. 107. An act appropriating $2,500.00 for the erection of a monument at Boonesborough, Kentucky, and the purchase of the necessary ground on which to locate same and creating a commission to carry out the work.

H. B. 67. An act relating to assault with the intent to rob, amending section 1160 of the Kentucky Statutes.

H. B. 68. An act relating to negotiable instruments amending section 184 of said act, approved March 24, 1904, by striking out said section.

H. B. 207. An act to provide for the location, erection, organization and management in Kentucky of a State sanatorium for the cure and treatment of tuberculosis and making an appropriation for the purchase of the necessary land and the construction and equipment of necessary buildings and making an appropriation for the maintenance of the sanatorium.

H. B. 323. An act to amend section 4545 of the Kentucky Statutes dispensing with the presence of the Secretary of State in court to identify certified copies of records from his office.

H. B. 255. An act to amend an act, entitled An act for the government of cities of the first class, approved February 1, 1893.

H. B. 108. An act to amend section 4510 of the Kentucky Statutes.

S. B. 79. An act to amend section 540, chapter 32 of Kentucky Statutes.

H. B. 135. An act to amend subsection 5, section 2412 Kentucky Statutes.

H. B. 114. An act to amend section 1846, Kentucky Statutes.

H. B. 122. An act to amend section 1933, Kentucky Statutes, concerning proclamations by Governor of rewards of fugitives from justice.

H. B. 121. An act to amend section 189, article 3, chapter 6, Criminal Code.

H. B. 215. An act dividing the State of Kentucky into thirty-eight Senatorial Districts.

H. B. 74. An act to amend section 900 of the Kentucky Statutes, concerning costs.

H. B. 72. An act regulating the carrying on of business under an assumed or fictictious name.

H. B. 104. An act to amend section 1403 of the Kentucky Statutes, for the benefit of the widows and infant children of this Commonwealth.

Ordered that said bills be severally read the second time.

The provision of the Constitution as to the second reading of said bills at length being dispensed with, said bills were severally read the second time by their titles.

Ordered that said bills be placed in the orders of the day.

The House took up for consideration from the calendar, a bill, entitled:

H. B. 100. An act to amend section 9, chapter 63 of the acts of 1902, which became a law March 21, 1902.

Ordered that said bill be read the second time.

The provisions of the Constitution as to the second reading of the bill at length being dispensed with, the said bill was read the second time by its title.

Mr. Alverson moved that said bill be made the special order of the day for next Monday, the 5th inst., at 12:15 o'clock p. m.

The said motion was agreed to.

The House took up for consideration from the calendar, a bill, entitled:

H. B. 64. An act relating to suffrage and elections, by amending section 145 of the Constitution.

Ordered that said bill be read the second time.

The provision of the Constitution as to the second reading of said bill at length being dispensed with the said bill was read the second time by its title.

Mr. Bourne moved that said bill be re-committed to the Committee on Constitutional Amendments, with leave for said committee to report at any time.

Said motion was agreed to.

The House took up for consideration from the calendar, a bill, entitled

H. B. 302. An act to repeal section 6 of the charter of the Corinth Academy.

Ordered that said bill be read the second time.

The provision of the Constitution as to the second reading of of said bill at length being dispensed with, the said bill was read the second time by its title.

Mr. Scott moved that said bill be re-committed to the Committee on Education No. 1, with leave for said committee to report at any time.

Said motion was agreed to.

The House took up for consideration from the calendar, a bill, entitled

H. B. 120. An act to repeal chapter 122 of the session acts of 1902.

Ordered, that said bill be read the second time.

The provision of the Constitution as to the second reading of of said bill at length being dispensed with, the said bill was read the second time by its title.

Mr. McKnight moved that said bill be made a special order of the day, for Thursday next, the 8th inst., at 11:45 o'clock.

Said motion was agreed to.

The House took up for consideration from the calendar a bill, entitled

H. B. 97. An act to carry into effect section 197, of the State Constitution.

Ordered that said bill be read the second time.

The provisions of the Constitution as to the second reading of said bill at length being dispensed with, the said bill was read the second time by its title.

Mr. Enlow moved that said bill be made the special order of the day, for Wednesday, the 7th inst., at 11 o'clock a. m.

Said motion was agreed to.

Mr. Klair moved that the House do now adjourn until Monday next, the 5th inst., at 12 o'clock meridian.

Said motion was agreed to.

And then the House adjourned.

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MONDAY, FEBRUARY 5, 1906.

The House was opened with prayer by the Rev. J. M. Rash, pastor of the Christian church, at Winchester, Kentucky.

The reading of the Journal of Friday's proceedings was dispensed with, and the same was approved.

Leave of absence for an indefinite time was granted Messrs. Taggert, Best, Ray, Barry and Rose.

The House took up for consideration from the orders of the day, a bill, entitled

H. B. 103. An act to provide for paying the expenses of the State superintendent, when visiting different parts of the State in the interest of education.

Mr. Dawson moved that the further consideration of said bill be postponed and that same be re-committed to the Committee on Education No. 1, with leave for said committee to report at any time.

Said motion was agreed to.

The House took up for consideration from the orders of the day, a bill, entitled

H. B. 37. An act to amend section 1155 of the Kentucky Statutes.

Together with the amendment heretofore proposed thereto by the committee.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1155 of the Kentucky Statutes be amended by striking out of said section the word "twelve," and inserting in lieu thereof the word "sixteen."

Said section, when amended, will read as follows:

"§ 1155. Whoever shall carnally know a female under the age of sixteen years, or an idiot, shall be confined in the penitentiary for not less than ten nor more than twenty years."

The amendment as proposed thereto, by the committee, is as follows:

"Amend by inserting after the word "shall," and before the word "carnally," the word "unlawfully."

Said amendment was agreed to.

Mr. James S. Morris offered the following amendment to said bill:

"Amend, by striking out the word "sixteen," and inserting the word "fifteen,"

Said amendment was disagreed to.

Ordered that said bill, as amended, be read the third time.

The provision of the Constitution as to the third reading of

said bill at length, being dispensed with, said bill was read the third time, by its title, and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | A. J. Gorham, | S. M. Russell, |
| Louis W. Arnett, | H. H. Griffin, | J. T. Scott, |
| W. G. Baxter, | B. P. Grigsby, Sr., | R. C. Simmons, |
| B. O. Becker, | Albert Hamilton, | Emmet P. Slattery, |
| Joe F. Bosworth, | C. W. G. Hannah, | W. W. Smith, |
| M. F. Campbell, | L. P. Head, | W. H. Southall, |
| Bennett Clarke, | W. J. Jackson, | Hub L. Stevens, |
| J. W. Clay, | L. F. Johnson, | John A. Stevens, |
| W. D. Claybrooke, | W. H. Jones, | Zeb. A. Stewart, |
| Sam. D. Cochran, | Wm. F. Klair, | George W. Stone, |
| H. K. Cole, | Geo. D. Litsey, | C. C. Terry, |
| W. H. Cole, | Virgil McKnight, | A. J. Thompson, |
| Henry W. Curle, | Henry C. Miller, | T. A. Weldon, |
| Charles I. Dawson, | R. W. Miller, | John B. Wicker, |
| A. L. Denny, | J. M. Mitchell, | Geo. S. Wilson, |
| Lawrence J. Diskin, | V. W. Morris, | J. T. Wilson, |
| W. Reed Embry, | Ion B. Nall, | Wm. Wilt, |
| Robert Enlow, | W. J. Osborne, | J. Hal Woodford, |
| J. A. Frazier, | C. M. Paynter, | W. T. Wright, |
| Taylor P. Gabbard, | M. M. Redwine, | James G. Yaden—62. |
| Lloyd W. Gates, | J. M. Robertson, | |

Those who voted in the negative were—

James S. Morris,

Resolved, That the title thereof be as aforesaid.

Mr. R. W. Miller moved that the Senate be invited to meet with the House at 12:30 o'clock, and that the Hon. William Lindsay be

invited to address the General Assembly, at that hour; that same be made the special order of this day for that hour.

Said motion was agreed to.

The Speaker appointed Messrs. R. W. Miller, Woodford and Hannah, a committee to notify the Senate and to notify Mr. Lindsay.

The hour of 12:15 o'clock having arrived, the House took up for consideration the special order of the day for that hour, to-wit:

A bill entitled:

H. B. 100. An act to amend section 9, chapter 63 of the acts of 1902, which became a law, March 21, 1902.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 9 of chapter 63 of the acts of 1902, be, and the same is hereby, amended by striking from said section the following:

"During the institute there shall be a suspension of all schools in session, but such suspension shall not deprive the district of any part of the full session of actual teaching," and inserting in lieu thereof the following:

"During the institute there shall be a suspension of all the schools as are in session, but no reduction of the teachers' salary shall be made on account of such suspension. The time of actual attendance upon the institute in days and parts of days shall be accredited to the teacher, if the institute be held during the session of his school," so that section, when amended, shall read as follows:

"§ 9. Every teacher of a common school, including teachers of the graded common schools in cities of the fifth and sixth classes, who hold a State diploma, State certificate or county certificate, or who contemplate applying for a certificate of qualification to teach

in the common schools, shall attend the full session of the institute in his home county, unless he is teaching in another county in which the institute is yet to be held, or has attended the institute of a county in which he has a contract to teach. If teaching in a county other than his home county whose institute is yet to be held, he must attend the full session of the latter. The county superintendent shall revoke the certificate of any teacher who shall fail or neglect to attend the full session of the institute, unless the superintendent shall be fully satisfied that such failure has been caused by actual sickness or other disability. After the county institute has been held, it shall be unlawful to grant any person a certificate to teach at any time during that school year, unless the said person shall have attended the full session of the institute of that or some other county during that school year, or unless the county superintendent shall be fully satisfied that the failure to attend the institute has been caused by sickness or other disability. During the institute there shall be a suspension of all the schools as are in session, but no reduction of the teachers' salary shall be made on account of such suspension. The time of actual attendance upon the institute in days and parts of days shall be accredited to the teachers, if institute be held during the session of his school. At the close of the institute the county superintendent shall give to each teacher or other person in attendance a certificate of the number of days and parts of days that the teacher or other person has attended, which certificate of attendance shall be filed by the teacher with the chairman of the board of trustees of the district, who shall make report thereof to the county superintendent at the time of reporting the schools."

§ 2. This act shall take effect and be in force ninety days after its passage and approval.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said

bill at length being dispensed with, said bill was read the third time by its title, and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows:

Those who voted in the affirmative were—

J. M. Alverson,
Louis W. Arnett,
W. G. Baxter,
B. O. Becker,
Joe F. Bosworth,
M. F. Campbell,
Bennett Clarke,
J. W. Clay,
W. D. Claybrooke,
Sam. D. Cochran,
H. K. Cole,
W. H. Cole,
Charles I. Dawson,
A. L. Denny,
Lawrence J. Diskin,
W. Reed Embry,
Robert Enlow,
J. A. Frazier,
Taylor P. Gabbard,
Lloyd W. Gates,
A. J. Gorham,
H. H. Griffin,
B. P. Grigsby, Sr.,
Albert Hamilton,
J. A. Hamon,
C. W. G. Hannah,
L. P. Head,
W. J. Jackson,
L. F. Johnson,
W. H. Jones,
Wm. F. Klair,
Geo. D. Litsey,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
J. M. Mitchell,
V. W. Morris,
James S. Morris,
Ion B. Nall,
W. J. Osborne,
C. M. Paynter,
M. M. Redwine,
J. M. Robertson,
S. M. Russell,
J. T. Scott,
R. C. Simmons,
Emmet P. Slattery,
W. W. Smith,
W. H. Southall,
Hub L. Stevens,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
C. C. Terry,
A. J. Thompson,
Harry Weitkamp,
T. A. Weldon,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Wm. Wilt,
J. Hal Woodford,
W. T. Wright,
James G. Yaden—64.

Those who voted in the negative were—

Henry W. Curle,

Resolved, That the title thereof be as aforesaid.

Mr. Alverson moved that the vote, by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The hour of 12:30 o'clock having arrived, the Senate, in order, appeared on the floor of the House, and Mr. R. W. Miller, of the committee heretofore appointed, presented the Hon. William Lindsay, who delivered a very touching, instructive and interesting address.

At the close of which, the Senate retired and the Speaker called the House to order.

A message was received from the Senate, announcing that they had adopted a concurrent resolution, entitled

S. Res. 15. Resolution inviting the A. & M. College cadet battalion to visit the General Assembly, February 12, 1906, and give and exhibition drill and parade.

By unanimous consent the rules were suspended, said resolution was taken up for consideration, twice read and concurred in.

That they had adopted a joint resolution and passed bills of the following titles:

1. S. Res. 6. Resolution authorizing the auditing and payment of a loan made to the State, by the State National Bank, of Frankfort, Ky.

2. S. B. 6. An act to amend and re-enact an act, entitled An act fixing the times and terms of the circuit courts, in counties composing the several judicial districts in this Commonwealth, approved December 26, 1892, and an amendment thereto, approved March 30, 1900, so far as the same applies to the Twenty-ninth Circuit Court District.

3. S. B. 31. An act to authorize and empower railroad companies to designate persons to act as railroad police; providing for their appointment, by the Governor, and defining their duties, powers and liabilities.

4. S. B. 44. An act to prohibit the sale of toy pistols, cannons and explosives, used by children in celebrations.

5. S. B. 144. An act to amend an act, entitled An act for the government of cities of the second class, in the Commonwealth of Kentucky, approved March 19, 1894.

6. S. B. 157. An act to amend section 4692, of the Kentucky Statutes, being a portion of chapter 126, title "Treasurer — State.

Said joint resolutions and bills were ordered to be printed, and were, by the Speaker, referred as follows:

1. To the Committee on Appropriations.
2. To the Committee on Circuit Courts.
3. To the Committee on Railroads.
4. To the Committee on Court of Appeals.
5. To the Committee on Municipalities.
6. To the Committee on Revenue and Taxation.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 23. An act to amend section 74 of the Civil Code of Practice.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 74, of title 5, of the Civil Code of Practice, be, and the same is hereby, amended by adding thereto the words, "Provided, That in actions for libel, the action shall be brought in the county in which the plaintiff resides, or in the county in which the newspaper or publication is printed or published," so that said section, when amended, will read as follows: "Every other action for an injury to the person of the plaintiff, and every action for an injury to the character of the plaintiff, against a defendant residing in this State, must be brought in the county in which the defendant

resides, or in which the injury is done: Provided, That in actions for libel, the action shall be brought in the county in which the plaintiff resides, or in the county in which the newspaper or publication is printed or published."

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

J. M. Alverson,
Louis W. Arnett,
W. G. Baxter,
B. O. Becker,
Joe F. Bosworth,
M. F. Campbell,
Bennett Clarke,
J. W. Clay,
W. D. Claybrooke,
Sam. D. Cochran,
H. K. Cole,
W. H. Cole,
Henry W. Curle,
Charles I. Dawson,
A. L. Denny,
W. Reed Embry,
Robert Enlow,
J. A. Frazier,
Taylor P. Gabbard,
Lloyd W. Gates,
A. J. Gorham,
H. H. Griffin,
B. P. Grigsby, Sr.,
Albert Hamilton,
J. A. Hamon,
C. W. G. Hannah,
L. P. Head,
W. J. Jackson,
Wm. F. Klair,
Geo. D. Litsey,
Virgil McKnight,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
Ion B. Nall,
W. J. Osborne,
C. M. Paynter,
M. M. Redwine,
J. M. Robertson,
S. M. Russell,
J. T. Scott,
R. C. Simmons,
Emmet P. Slattery,
W. W. Smith,
W. H. Southall,
Hub L. Stevens,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
C. C. Terry,
A. J. Thompson,
Harry Weitkamp,
T. A. Weldon,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Wm. Wilt,
J. Hal Woodford,
W. T. Wright,
James G. Yaden—60.

Those who voted in the negative were—

Lawrence J. Diskin, V. W. Morris—2.

Resolved, That the title thereof be as aforesaid.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 27. An act to repeal section 281, of the Criminal Code, said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 281 of the Code of Practice in criminal cases be, and the same is hereby, repealed. Said section so repealed reads as follows. "The decisions of the court upon challenges to the panel, and for cause, upon motions to set aside an indictment, and upon motions for a new trial, shall not be subject to exception."

Ordered that said bill be read the third time.

The provisions of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title.

The question being taken on the passage of said bill, it was decided in the negative.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| B. O. Becker, | H. H. Griffin, | R. C. Simmons, |
| Joe F. Bosworth, | C. W. G. Hannah, | Emmet P. Slattery, |
| M. F. Campbell, | L. P. Head, | Zeb. A. Stewart, |
| Bennett Clarke, | L. F. Johnson, | George W. Stone, |
| W. H. Cole, | Wm. F. Klair, | Harry Weitkamp, |
| Henry W. Curle, | Virgil McKnight, | T. A. Weldon, |
| Charles I. Dawson, | Henry C. Miller, | Wm. Wilt, |
| A. L. Denny, | R. W. Miller, | J. Hal Woodford, |

| | | |
|---|---|---|
| Lawrence J. Diskin, | J. M. Robertson, | James G. Yaden—29. |
| A. J. Gorham, | S. M. Russell, | |

Those who voted in the negative were—

| | | |
|---|---|---|
| J. M. Alverson, | J. A. Hamon, | J. T. Scott, |
| Louis W. Arnett, | W. J. Jackson, | W. W. Smith, |
| J. W. Clay, | Geo. D. Litsey, | W. H. Southall, |
| Sam. D. Cochran, | M. H. McLean, | Hub L. Stevens, |
| H. K. Cole, | J. M. Mitchell, | John A. Stevens, |
| W. Reed Embry, | V. W. Morris, | C. C. Terry, |
| Robert Enlow, | James S. Morris, | A. J. Thompson, |
| J. A. Frazier, | Ion B. Nall, | John B. Wicker, |
| Lloyd W. Gates, | W. J. Osborne, | Geo. S. Wilson, |
| B. P. Grigsby, Sr., | C. M. Paynter, | J. T. Wilson, |
| Albert Hamilton, | M. M. Redwine, | W. T. Wright—33. |

And so said bill was rejected.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 89. An act to amend section 347 of the Criminal Code of Practice:

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 347 of the Criminal Code of Practice be amended so as to read as follows:

"The Court of Appeals shall have appellate jurisdiction in penal actions and prosecutions for misdemeanors in the following cases only:

"First. If the judgment be for a fine exceeding fifty dollars or for imprisonment exceeding thirty days.

"Second. If the judgment be for the defendant in cases in which a fine exceeding fifty dollars or confinement exceeding thirty days might have been inflicted.

"Third. In cases of judgments in circuit courts in which the validity of the construction of a statute of this Commonwealth or the construction of the Constitution of this Commonwealth is involved; but in cases falling within the third subsection of this section, and not falling within the first or the second sub-section hereof, there shall be no reversal except for an error as to such validity or construction."

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading, of said bill at length, being dispensed with, said bill was read the third time by its title, and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

J. M. Alverson,
Louis W. Arnett,
W. G. Baxter,
B. O. Becker,
Joe F. Bosworth,
M. F. Campbell,
Bennett Clarke,
J. W. Clay,
H. K. Cole,
W. H. Cole,
Henry W. Curle,
Charles I. Dawson,
A. L. Denny,
Lawrence J. Diskin,
W. Reed Embry,
J. A. Frazier,
Taylor P. Gabbard,
A. J. Gorham,
H. H. Griffin,
B. P. Grigsby, Sr.,
Albert Hamilton,
J. A. Hamon,
C. W. G. Hannah,
L. P. Head,
W. H. Jones,
Wm. F. Klair,
Geo. D. Litsey,
Virgil McKnight,
M. H. McLean,
R. W. Miller,
J. M. Mitchell,
V. W. Morris,
James S. Morris,
Ion B. Nall,
W. J. Osborne,
C. M. Paynter,
J. M. Robertson,
S. M. Russell,
J. T. Scott,
R. C. Simmons,
Emmet P. Slattery,
W. W. Smith,
W. H. Southall,
Hub L. Stevens,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
C. C. Terry,
Harry Weitkamp,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Wm. Wilt,
J. Hal Woodford,
James G. Yaden—55.

Those who voted in the negative were—

W. J. Jackson, M. M. Redwine, W. T. Wright—5.
L. F. Johnson, A. J. Thompson,

Resolved, That the title thereof be as aforesaid.

Mr. McLean moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The clerk of the House, by and with the approval of the Speaker, designated and appointed, Garland B. Jefferson, as stenographer and assistant to the chief clerk, under and by virtue of Rule 54 of the House of Representatives in place and stead of L. H. Cabell, resigned.

And then the House adjourned.

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TUESDAY, FEBRUARY 6, 1906.

The House was opened with prayer by the Rev. T. N. Arnold, pastor of the Christian Church.

The reading of the Journal of yesterday's proceedings, was dispensed with, and same was approved.

Upon the call of the counties and Representative districts, the following bills were introduced, ordered to be printed and referred to the committee respectively, viz.:

By Mr. W. H. Cole:

H. B. 384. An act to prevent accidents by firearms.

Referred to Committee on Criminal Law.

By Mr. Griffth:

H. B. 385. An act to amend subsections Nos. 1 and 3 of the Kentucky Statutes.

Referred to Committee on Criminal Law.

By Mr. Terry:

H. B. 386. An act to amend and re-enact section 4092A, section 4092B, section 4092C, of Kentucky Statutes, Carroll's Edition, 1903, so as to make the same apply to State banks, private banks, trust companies and national banks.

Reverred to Committee on Revenue and Taxation.

By Mr. Embry:

H. B. 387. An act to transfer the town of Burnsides from the sixth to the fifth class.

Referred to Committee on Classification of Cities and Towns:

By Mr. Diskin:

H. B. 388. An act to amend an act to amend subsection 9 of section 9 of the acts of June 28, 1902.

Referred to Committee on Cities of the Fourth, Fifth and Sixth Classes.

By Mr. Denny:

H. B. 389. An act to repeal chapter 296 of the Session Acts of 1887 and 1888.

Referred to Committee on Education No. 2.

By Mr. Hamilton:

H. B. 390. An act concerning domestic life insurance companies.

Referred to Committee on Insurance.

By Mr. Johnson:

H. B. 391. An act for the better protection of life and property against injury or damage resulting from the operation of steam engines and boilers by the incompetency of engineers.

Referred to Committee on Internal Improvements.

By Mr. Cochran:

H. B. 392. An act to prevent the carrying of fireams on election days.

Referred to Committee on Criminal Law.

By Mr. Mitchell:

H. B. 393. An act to amend and re-enact the reapportionment the State into Congressional districts by taking Adair county out of the eleventh and placing it in the fourth district.

Referred to Committee on Redistricting.

By same:

H. B. 394. An act for the better protection for the growers of ginseng in this State.

Referred to Committee on Kentucky Statutes.

By Mr. Bourne:

H. B. 395. An act to amend section 203 of the Criminal Code of Practice, by striking out the word "fifteen" and inserting in lieu thereof "ten."

Referred to Committee on Code of Practice.

By Mr. McCarty:

H. B. 396. An act authorizing and empowering the commissioners of the sinking fund to donate any interest the Commonwealth may own in any of the turnpike road companies in the State, when all the stock in any such turnpike company is owned by the Com-

monwealth, and any county or counties will undertake to make and maintain such turnpikes free of toll to the traveling public.

Referred to Committee on Circuit Courts.

By Mr. McLean:

H. B. 397. An act to provide for the submitting to the voters of the Commonwealth the question of amending section 228 of the Constitution. Provides for an amendment to the constitutional oath of officials, requiring them to swear they have not carried a concealed deadly weapon within two years previous.

By Mr. Yaden:

H. B. 398. An act to regulate the labor of the inmates of the penitentiaries and house of reform in the State of Kentucky, providing for trades schools, the utilization of the inmates' labor for State account and the disposition of all articles made in such trades schools or on State account, providing that State institution, shall purchase certain articles from the management of the penitentiary and house of reform, providing the necessary appropriation as well as certain other matters relating thereto and providing penalties therefor.

Referred to Committee on State Prisons and Houses of Reform.

By Mr. Grigsby:

H. B. 399. An act to place the statue of James Guthrie in the hall of fame at Washington.

Referred to Committee on Public Monuments and Historical Records.

By Mr. J. L. Morris:

H. B. 400. An act to require operators of certain ferries across the Ohio river to provide waiting rooms for their passengers.

Referred to Committee on Propositions and Grievances.

By Mr. Frazier:

H. B. 401. An act to amend section 6, chapter 122, acts 1904, regulating the running of motor vehicles upon public highways of this State, and fixing a penalty for violation thereof, and requiring registration and prescribing manner of numbering.

Referred to Committee on Railroads.

By Mr. Geo. S. Wilson:

H. B. 402. An act to amend an act, entitled An act to establish a public school at Morganfield, Union county, Kentucky, approved April 19, 1886.

Referred to Committee on Education No. 2.

By Mr. Robertson:

H. B. 403. An act to amend section 1945 of Kentucky Statutes, and protect doves from slaughter.

Referred to Committee on Fish, Game and Forestry.

By Mr. Claybrooke:

H. B. 404. An act to prohibit gypsies or other wandering persons to remain in this State without a fixed home.

Referred to Committee on Criminal Law.

By Mr. Redwine:

H. B. 405. An act to amend section 1729, Kentucky Statutes.

Referred to Committee on Revenue and Taxation.

By Mr. Simmons:

H. B. 406. An act to amend section 1845, Kentucky Statutes.

Referred to Committee on County and City Courts.

Leave of absence for an indefinite length of time was granted Mr. Gabbard.

Mr. McKnight moved that a committee of three members be appointed by the Speaker, to notify the Senate, that House was now ready to receive them in joint session, to carry out the joint special order of the day, to-wit: The holding of memorial exercises of respect to the memory of the late Governor William Goebel.

Said motion was agreed to.

Thereupon the Speaker appointed Messrs. McKnight, Cox and Johnson as said committee.

After a time the said committee reported that they had performed said duty.

At eleven o'clock a. m., the Senate appeared, and in order entered upon the floor of the House. Lieut. Governer William P. Thorne, President of the Senate, took his seat on the right of the Speaker and presided.

After appropriate addresses by Senators Campbell, Chinn, Linn and Grady, and Representatives Redwine, Russell, Arnett and R. W. Miller and Rev. T. N. Arnold

Mr. Gooch moved that the joint assembly do now dissolve.

Said motion was agreed to.

The Senate retired and the Speaker resumed the chair, and called the House to order.

Mr. Redwine offered the following resolution, to-wit:

Resolved, That Dr. J. N. McCormack, Secretary of the State Board of Health, be invited to deliver an address in the hall of the House of Representatives, on Thursday, February 8, 1906, at 7:30 p. m., on matters relative to the public health.

Said resolution was agreed to.

Mr. Southall of the Committee on Charitable Institutions, to which the same had been referred, reported a bill, entitled

An act for the benefit of the Eastern Kentucky Asylum for the Insane, at Lexington.

Said bill was read the first time at length, and ordered to be placed on the calendar.

Mr. McKnight moved that, out of respect to the memory of the late Governor William Goebel, this House do now adjourn.

Said motion was unanimously agreed to.

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WEDNESDAY, FEBRUARY 7, 1906.

The House was opened with prayer by the Rev. M. B. Adams, pastor of the Baptist church, at Frankfort, Kentucky.

The reading of the Journal of yesterday's proceedings was dispensed with, and same was approved.

Mr. McKnight of the special committee heretofore appointed to make arrangements for the Goebel memorial exercises offered the following report, viz.:

REPORT OF COMMITTEE ON GOEBEL MEMORIAL.

Your committee report that in the discharge of its duties it spent and incurred expenses to the amount of $221.00, and recommend the adoption of the accompanying resolution.

VIRGIL McKNIGHT,
M. M. REDWINE,
LOUIS P. HEAD,
S. M. RUSSELL,
L. W. ARNETT.

Said report was received and ordered filed.

Mr. McKnight, of said special committee offered the following resolution, viz.:

Resolved, That the expenses of the Goebel memorial exercises are and are hereby declared to be contingent expenses of this House, session 1906, and as such the chief clerk of the House is directed to certify the same to the auditor of the State, who is directed to draw his warrant on the treasurer in favor of Virgil McKnight, chairman, for the sum of $221.00 to be charged to the contingent expense fund of this House. The chairman will pay out the said sum of $221.00 to the person entitled to the same.

Said resolution was agreed to.

At 10:30 o'clock a. m.

The House took up for consideration, the special order of the day, for that hour, to-wit:

A resolution, entitled

H. Res. 10. Resolution raising a joint committee to visit the county of Breathitt to investigate the conditions therein, with reference to lawlessness existing or imminent, and to report to this General Assembly.

(For resolution, see House Journal of January 18, 1906.

Mr. Klair offered the following substitute for said resolution and amendments, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That a joint committee be appointed, composed of two members of the Senate to be appointed by the President of the Senate, and three members of the House of Representatives to be appointed by the Speaker of the House, who are hereby authorized and directed

to proceed at once to the county of Breathitt and inquire as to the truth of certain rumors which have for some time been prevalent, that there exists in said county a state of lawlessness and that serious trouble is imminent therein; and, said committee are directed to use their best efforts to bring about a reconciliation between the opposing factions and if possible restore peace in said county. Said committee is further directed to report the result of their investigations to this General Assembly together with such recommendations and suggestions as in their judgment should be adopted with reference thereto.

Said substitute was agreed to.

Said resolution as amended by said substitute was agreed to.

Mr. McKnight offered the following resolution, viz.:

Resolved, That commencing on Monday, February 12th, this House hold all afternoon sessions daily, except on Saturdays, commencing at 3 p. m., at which afternoon sessions call of the committee and call of the calendar shall be the only business.

Mr. Klair moved that said resolution be referred to the Committee on Rules.

Said motion was agreed to.

Mr. Stewart offered the following resolution, viz.:

Whereas, The 22d of February is the anniversary of the birth of the great and illustrious patriot and statesman, George Washington, the Father of His Country and the first President of our beloved Republic, who was "First in War, First in Peace, and First in the Hearts of His Countrymen," ever faithful to his trust, true to his country and true to his God; and, whereas, the lapse of years and the vicissitudes of time have not dimmed the lustre of his great and honored name; and the Republic which he and his co-patriots established, stands to-day, the first,

greatest and best of all the nations of earth, known, honored and respected as the "Land of the Free and Home of the Brave," where liberty is loved and merit and worth is the true measure of the man; and, whereas, it is customary, fitting and proper to appropriately celebrate the birth of this universally beloved and illustrious American; Therefore, be it resolved by the General Assembly of the Commonwealth of Kentucky, That Thursday, the 22d of February, 1906, be, and is hereby set apart to fittingly celebrate the anniversary of his birth with appropriate exercises; and the Speaker of this House and the President of the Senate will each appoint a committee of three members of each body to make the necessary arrangements for exercises in propriety with the occasion, and for carrying into effect the purpose of this resolution.

Which was read and lies over.

Mr. Smith asked that it be noted on the Journal of to-day, that had he been present and voting, on February 1st, he would have voted in the affirmative on the passage of a bill, entitled

H. B. 257. An act to enable cities of the first class to construct a comprehensive system for the disposition of sewerage.

By unanimous consent Mr. Gooch called from the orders of the day a resolution, entitled

S. Res. 2. A resolution providing for the payment of expenses of the revenue commission and its secretary.

Said resolution is as follows:

Whereas, Pursuant to a resolution passed by the last regular session of the Senate, the President of the Senate appointed J. W. Cammack, G. W. Hickman, Laban Phelps, W. H. Cox and W. W. Booles as a commission for the purpose of studying the revenue laws of Kentucky and the revenue laws of other States, and to compare the different systems in use and to recommend to the General As-

sembly such change of system of taxation, or amendments to our present system, as upon investigation and study they should believe to be necessary, and to report their information upon said subject and their recommendations at the beginning of the session of this General Assembly; and said commission, pursuant to said resolution, elected C. M. Lewis to be their secretary, to be paid the sum of four dollars per day while in actual attendance upon said commission, in which attendance he was during twenty-six days; and

Whereas, Said Commission did at their own expense make said investigation and study of the revenue system of this State and the other States of the Union, and did procure copies of the revenue laws of other States and studied same in comparison with said laws in this State, and did hold public meetings in many different portions of this State for the purpose of hearing citizens of all pursuits express their views of the needs of this State in the matter of our revenue laws, and at which said meetings, while some of said members were unable to attend all of same, there was always a majority of said Commission in attendance, and that said Commission did prepare and have introduced a bill containing their recommendations; and,

Whereas, The said Commission and secretary, in discharge of their said duties, did incur the necessary and actual expenses of travel, board and payment of stenographers, expended by the members of said Commission and said secretary as follows, viz.: By J. W. Cammack, $171.50; by G. W. Hickman, $188.65; by Laban Phelps, $112.75; by W. H. Cox, $99.86; by W. W. Booles, $125; by C. M. Lewis, secretary (per diem and expenses), $161.85; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

First.—That the sum of one hundred and seventy-one dollars and fifty cents be, and the same is hereby, appropriated to said J. W. Cammack; and the sum of one-hundred and eighty-eight dollars and sixty-five cents be, and the same is hereby, appropriated to said

G. W. Hickman; and the sum of one hundred and twelve dollars and seventy-five cents be, and the same is hereby, appropriated to said Laban Phelps; and the sum of ninety-nine dollars and eighty-six cents be, and the same is hereby, appropriated to said W. H. Cox; and the sum of one hundred and twenty-five dollars be, and the same is hereby, appropriated to W. W. Booles; and the sum of one hundred and sixty-one dollars and eighty-five cents be, and the same is hereby, appropriated to said C. M. Lewis, to reimburse the said J. W. Cammack, G. W. Hickman, Laban Phelps, W. H. Cox, W. W. Booles and C. M. Lewis for the expenditures made by them as above set out, and the Auditor of Public Accounts is hereby directed to draw his warrants upon the Treasurer for said sums, payable to the order of said persons as above set out.

Second.—Whereas, Said expenditures were made by the members of said Commission and by said secretary from their own private funds; and,

Whereas, They should be immediately reimbursed, an emergency is hereby declared to exist, and this resolution shall take effect and be in full force from and after its approval by the Governor.

Ordered, That said resolution be read the third time.

The provision of the Constitution as to the third reading of said resolution at length being dispensed with, said resolution was read the third time by its title, and concurred in.

The yeas and nays being taken on concurring in said resolution, in accordance with the Constitution, were as follows:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | W. J. Gooch, | Henry G. Overstreet, |
| Louis W. Arnett, | A. J. Gorham, | C. M. Paynter, |
| John Barr, | H. H. Griffin, | John R. Ray, |
| W. G. Baxter, | John C. Griffith, | M. M. Redwine, |
| Charles C. Beard, | B. P. Grigsby, Sr., | J. M. Robertson, |
| B. O. Becker, | Paul Gullion, | Richard S. Rose, |

Peter Best, Jr.,
Joe F. Bosworth,
H. Kirby Bourne,
J. C. Byland,
W. T. Cain,
M. F. Campbell,
N. B. Chipman,
Bennett Clarke,
J. W. Clay,
W. D. Claybrooke,
Sam. D. Cochran,
H. K. Cole,
W. H. Cole.
Henry M. Cox,
Ed. Croan,
Henry W. Curle,
Charles I. Dawson,
A. L. Denny,
Lawrence J. Diskin,
Thomas Drewry,
W. Reed Embry,
Robert Enlow,
J. A. Frazier,
Lloyd W. Gates,
James A. Hagan,
Albert Hamilton,
J. A. Hamon,
C. W. G. Hannah,
L. P. Head,
D. C. Hopper,
W. J. Jackson,
L. F. Johnson,
W. H. Jones,
Wm. F. Klair,
Geo. D. Litsey,
H. M. McCarty,
Virgil McKnight,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
Chris Mueller,
J. M. Mitchell,
V. W. Morris,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
J. T. Royalty,
S. M. Russell,
J. T. Scott,
R. C. Simmons,
Emmet P. Slattery,
W. W. Smith,
W. H. Southall,
Hub L. Stevens,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
D. P. Taggart,
C. C. Terry,
A. J. Thompson,
Harry Weitkamp,
John B. Wicker,
Geo. S. Wilson,
Wm. Wilt,
J. Hal Woodford,
W. T. Wright,
James C. Yaden,
J. A. Yates,
Will A. Young—88.

Those who voted in the negative—none.

Resolved, That the title thereof be as aforesaid.

Mr. Henry C. Miller, of the Committee on Education No. 1, to which the same had been re-committed, with leave for said committee to report at any time, reported a bill entitled

H. B. 103. An act to provide for paying the expenses of the State Superintendent when visiting different parts of the State in the interest of education.

Said bill is as follows:

Whereas, It is essential that the Superintendent of Public In-

struction should visit various portions of the State in the interest of the common schools; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the necessary expenses incurred by the State Superintendent, not exceeding in all $900, while engaged in such work, shall be paid by the Treasurer and charged to the common school fund, and that the Superintendent is hereby authorized to make monthly requisitions on the Auditor for such expenses, and that he render an itemized account of the same.

§ 2. Be it further enacted, That since it is important that this work should begin as soon as possible, an emergency is declared to exist, and this act shall take effect upon its passage and approval by the Governor.

Ordered, That said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title, and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | J. A. Frazier, | Ed. Mulcahy, |
| Louis W. Arnett, | Lloyd W. Gates, | Ion B. Nall, |
| John Barr, | W. J. Gooch, | W. J. Osborne, |
| W. G. Baxter, | A. J. Gorham, | Henry G. Overstreet, |
| Charles C. Beard, | H. H. Griffin, | John R. Ray, |
| B. O. Becker, | John C. Griffith, | M. M. Redwine, |
| Joe F. Bosworth, | B. P. Grigsby, Sr., | J. M. Robertson, |
| H. Kirby Bourne, | Paul Gullion, | Richard S. Rose, |
| J. C. Byland, | James A. Hagan, | S. M. Russell, |
| W. T. Cain, | W. C. Halbert, | J. T. Scott, |

| | | |
|---|---|---|
| M. F. Campbell, | Albert Hamilton, | Ed. H. Shellman, |
| N. B. Chipman, | C. W. G. Hannah, | R. C. Simmons, |
| Bennett Clarke, | L. P. Head, | Emmet P. Slattery, |
| J. W. Clay, | D. C. Hopper, | W. H. Southall, |
| W. D. Claybrooke, | W. J. Jackson, | Hub L. Stevens, |
| Sam. D. Cochran, | L. F. Johnson, | John A. Stevens, |
| H. K. Cole, | W. H. Jones, | George W. Stone, |
| W. H. Cole, | Wm. F. Klair, | C. C. Terry, |
| Henry M. Cox, | Geo. D. Litsey, | Harry Weitkamp, |
| Ed. Croan, | H. M. McCarty, | John B. Wicker, |
| Henry W. Curle, | Virgil McKnight, | Geo. S. Wilson, |
| Charles I. Dawson, | M. H. McLean, | Munnell Wilson, |
| A. L. Denny, | Henry C. Miller, | Wm. Wilt, |
| Lawrence J. Diskin, | Chris Mueller, | J. Hal Woodford, |
| Thomas Drewry, | J. M. Mitchell, | James G. Yaden. |
| W. Reed Embry, | James S. Morris, | Will A. Young—78. |

Those who voted in the negative were—

| | | |
|---|---|---|
| V. W. Morris, | D. P. Taggart, | W. T. Wright—5. |
| Zeb. A. Stewart, | A. J. Thompson, | |

Resolved, That the title thereof be as aforesaid.

At 11 o'clock a. m. the House took up for consideration the special order of the day for that hour, to-wit, a bill entitled

H. B. 97. An act to carry into effect section 197 of the State Constitution.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any railroad, steamboat or other common carrier, which shall give a free pass or passes or free mileage books or free tickets or other free device to be used or accepted for transportation of passengers, or shall, at reduced rates not common to the public, sell such tickets or passes or mileage books or other device for transpor-

tation to any State, district, city, town or county officer, or member of the General Assembly or judge, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than two hundred nor more than five hundred dollars.

§ 2. Any State, district, city, town or county officer or member of the General Assembly or judge, who shall accept or use a free pass or passes or free tickets or free mileage books or other free device to be used or accepted for transportation of passengers, or shall receive or use such pass or passes or tickets or mileage books or other device to be used or accepted for transportation of passengers, at reduced rates not common to the public, shall, upon conviction thereof, be fined not less than two nor more than five hundred dollars and cease to hold his office, and to receive any salary or emolument for any official services he may attempt to perform.

§ 3. Prosecutions for violation of this act shall be by indictment in the Franklin Circuit Court, or other court of competent jurisdiction.

Mr. Klair moved that said bill be re-committed to the Committee on Judiciary.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Enlow and Drewry, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | Lloyd W. Gates, | W. J. Osborne, |
| W. G. Baxter, | W. C. Halbert, | Henry G. Overstreet, |
| Charles C. Beard, | C. W. G. Hannah, | J. M. Robertson, |
| N. B. Chipman, | L. P. Head, | J. T. Scott, |
| Bennett Clarke, | W. J. Jackson, | George W. Stone, |
| J. W. Clay, | L. F. Johnson, | Harry Weitkamp, |
| W. H. Cole, | W. H. Jones, | Wm. Wilt, |
| Henry M. Cox, | Wm. F. Klair, | W. T. Wright, |

| | | |
|---|---|---|
| Lawrence J. Diskin, | H. M. McCarty, | James C. Yaden, |
| Thomas Drewry, | Chris Mueller, | J. A. Yates, |
| W. Reed Embry, | V. W. Morris, | Will A. Young—33. |

Those who voted in the negative were—

| | | |
|---|---|---|
| Louis W. Arnett, | H. H. Griffin, | M. M. Redwine, |
| John Barr, | John C. Griffith, | Richard S. Rose, |
| B. O. Becker, | B. P. Grigsby, Sr., | J. T. Royalty, |
| Joe F. Bosworth, | Paul Gullion, | S. M. Russell, |
| H. Kirby Bourne, | James A. Hagan, | Ed. H. Shellman, |
| J. C. Byland, | Albert Hamilton, | R. C. Simmons, |
| W. T. Cain, | J. A. Hamon, | Emmet P. Slattery, |
| M. F. Campbell, | D. C. Hopper, | W. W. Smith, |
| W. D. Claybrooke, | Geo. D. Litsey, | W. H. Southall, |
| Sam. D. Cochran, | Virgil McKnight, | Hub L. Stevens, |
| H. K. Cole, | M. H. McLean, | John A. Stevens, |
| Ed. Croan, | Henry C. Miller, | Zeb. A. Stewart, |
| Henry W. Curle, | R. W. Miller, | D. P. Taggart, |
| Charles I. Dawson, | J. M. Mitchell, | C. C. Terry, |
| A. L. Denny, | James S. Morris, | A. J. Thompson, |
| Robert Enlow, | Ed. Mulcahy, | Geo. S. Wilson, |
| J. A. Frazier, | Ion B. Nall, | Munnell Wilson, |
| W. J. Gooch, | C. M. Paynter, | J. Hal Woodford—56. |
| A. J. Gorham, | John R. Ray, | |

Mr. Klair offered the following amendment to said bill by way of substitute therefor, viz.:

§ 1. It shall be unlawful, unkind and inconsiderate for any corporation, company or individual engaged in the business of carrying, hauling, transporting or shipping passengers, people, and other live stock and things of value, use or ornament, whether sold or for sale, by means of cars, vehicles, boats, airships or rollers, whether propelled by steam, electricity, gas, water, wind or by machine of any kind, to refuse or withhold from any officer of this State or of any county or city thereof, or from the members of the General Assembly and officers of the same, such passes, mileage books, tickets, or devices of any kind as are, or may be, necessary,

desirable and convenient means for safe, sure, comfortable, and economical travel, whereby said State, county, city and other officers may move about freely among the people and observe the needs of their constituents, thereby becoming more consecrated to the great and responsible duties devolving upon and revolving about them as servants of the people; Provided, That no such railroad company, steamboat company, airship company, or street railway company shall be held to blame for failure to supply such passes, mileage books, tickets and other devices to any such officer if he greatly prefers to walk, run, swim or fly, and so declares himself in person or by attorney; and Provided, further, That nothing in this act shall prevent any officer from exercising his inherent right to purchase, buy, borrow or beg any such ticket, mileage book or device on which or by means of which he may ride on, in, under or upon any such conveyance, car, vehicle, boat or airship, if he so desires; and if by so doing he shall not cause riot, bloodshed and insurrection, sedition or great discontent or commotion among the people.

§ 2. Any railroad company, steamboat company, street railway company or airship company that shall willfully and knowingly violate any of the provisions of the preceding section shall be fined not less than thirty cents, Mexican money, nor more than $1.98 in trade, at the discretion of the court, or may be adjudged a nuisance and conspirator against the peace, dignity, comfort and welfare against the people; and the color of its car, vehicles, boats or airships may be ordered changed as an abatement of such nuisance and banishment of such conspirator, and the new color shall be a brand upon them for ever as soulless and heartless corporations, utterly devoid of the milk of human kindness and wholly oblivious to the crying needs and obvious yearnings and masses of "the great common people."

§ 3. Any officer of this State, or of any city or county in this State, who shall fail or refuse to accept, take, hold, keep and use for himself, his family or his friends any pass, mileage book, ticket, or other device that may be offered him, or who shall attempt to

ride on two or more passes, mileage books, tickets, or other devices at once, or who shall try to ride both ways, going and coming, at one and the same time, shall be deemed a fit subject for inquiry and shall be examined, and if it be found that he did do any or all of said things, or did attempt to do any or all of them, he shall be declared "non compos mentis," and sent to the Legislature for at least two terms.

§ 4. There being great need of better service upon all railroads, street railways, and hot-airship lines in this State, and the color of many of the trains being harsh and unsightly and offensive to the esthetic and artistic taste of our people, an emergency is hereby declared to exist, and this act shall be in effect on and after its passage and signature by the Governor; Provided, That this act shall not be construed to prevent any railroad company or its officers, attorneys or agents from "loosening up" and complying with the provisions hereof, now or as soon thereafter as modern means of communication will permit.

Mr. Drewry moved that said substitute lie on the table.

Said motion was disagreed to.

The yeas and nays being required on said motion by Messrs. Enlow and Ray, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| W. G. Baxter, | Lloyd W. Gates, | J. M. Robertson, |
| Charles C. Beard, | H. H. Griffin, | J. T. Scott, |
| Peter Best, Jr., | James A. Hagan, | Ed. H. Shellman, |
| Joe F. Bosworth, | C. W. G. Hannah, | W. W. Smith, |
| N. B. Chipman, | L. P. Head, | George W. Stone, |
| Bennett Clarke, | L. F. Johnson, | D. P. Taggart, |
| J. W. Clay, | W. H. Jones, | Harry Weitkamp, |
| H. K. Cole, | Wm. F. Klair, | John B. Wicker, |
| W. H. Cole, | Chris Mueller, | Wm. Wilt, |

| | | |
|---|---|---|
| Henry M. Cox, | V. W. Morris, | W. T. Wright, |
| A. L. Denny, | W. J. Osborne, | James C. Yaden, |
| Lawrence J. Diskin, | Henry G. Overstreet, | J. A. Yates, |
| Thomas Drewry, | C. M. Paynter, | Will A. Young—41. |
| W. Reed Embry, | M. M. Redwine, | |

Those who voted in the negative were—

| | | |
|---|---|---|
| Louis W. Arnett, | John C. Griffith, | John R. Ray, |
| John Barr, | W. C. Halbert, | Richard S. Rose, |
| B. O. Becker, | Albert Hamilton, | J. T. Royalty, |
| H. Kirby Bourne, | J. A. Hamon, | S. M. Russell, |
| J. C. Byland, | D. C. Hopper, | R. C. Simmons, |
| W. T. Cain, | W. J. Jackson, | Emmet P. Slattery, |
| M. F. Campbell, | Geo. D. Litsey, | W. H. Southall, |
| W. D. Claybrooke, | Virgil McKnight, | Hub L. Stevens, |
| Sam. D. Cochran, | M. H. McLean, | John A. Stevens, |
| Ed. Croan, | Henry C. Miller, | Zeb. A. Stewart, |
| Henry W. Curle, | R. W. Miller, | C. C. Terry, |
| Charles I. Dawson, | J. M. Mitchell, | A. J. Thompson, |
| Robert Enlow, | James S. Morris, | Geo. S. Wilson, |
| J. A. Frazier, | Ed. Mulcahy, | Munnell Wilson, |
| W. J. Gooch, | Ion B. Nall, | J. Hal Woodford—46. |
| A. J. Gorham, | | |

The substitute as offered by Mr. Klair for said bill was disagreed to.

Ordered, That said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title, and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

J. M. Alverson,
Louis W. Arnett,
John Barr,
B. O. Becker,
H. Kirby Bourne,
J. C. Byland,
W. T. Cain,
M. F. Campbell,
Bennett Clarke,
W. D. Claybrooke,
Sam. D. Cochran,
H. K. Cole,
Ed. Croan,
Henry W. Curle,
Charles I. Dawson,
A. L. Denny,
Lawrence J. Diskin,
W. Reed Embry,
Robert Enlow,
J. A. Frazier,
Lloyd W. Gates,
W. J. Gooch,
A. J. Gorham,
B. P. Grigsby, Sr.,
Paul Gullion,
W. C. Halbert,
Albert Hamilton,
J. A. Hamon,
D. C. Hopper,
W. J. Jackson,
Geo. D. Litsey,
H. M. McCarty,
Virgil McKnight,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
J. M. Mitchell,
James S. Morris,
Ed. Mulcahy,
Jon B. Nall,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
John R. Ray,
Richard S. Rose,
J. T. Royalty,
S. M. Russell,
J. T. Scott,
Ed. H. Shellman,
R. C. Simmons,
Emmet P. Slattery,
W. W. Smith,
W. H. Southall,
Zeb. A. Stewart,
C. C. Terry,
A. J. Thompson,
Geo. S. Wilson,
Munnell Wilson,
Hal J. Woodford—59.

Those who voted in the negative were—

W. G. Baxter,
Charles C. Beard,
Peter Best, Jr.,
Joe F. Bosworth,
N. B. Chipman,
J. W. Clay,
W. H. Cole,
Henry M. Cox,
Thomas Drewry,
H. H. Griffin,
John C. Griffith,
James A. Hagan,
C. W. G. Hannah,
L. P. Head,
L. F. Johnson,
W. H. Jones,
Wm. F. Klair,
Chris Mueller,
V. W. Morris,
M. M. Redwine,
J. M. Robertson,
Hub L. Stevens,
John A. Stevens,
George W. Stone,
D. P. Taggart,
Harry Weitkamp,
John B. Wicker,
Wm. Wilt,
W. T. Wright,
James C. Yaden,
J. A. Yates,
Will A. Young—32.

Resolved, That the title thereof be as aforesaid.

Mr. Enlow moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

A message was received from the Senate announcing that they had adopted a joint resolution, entitled

S. Res. Resolution providing for the appointment of three delegates to represent the State of Kentucky at Washington in a Congress of delegates, to meet for the purpose of securing uniform laws in the several States upon divorce, and providing for the payment of the expenses of such delegates.

Said resolution was ordered to be printed, and was by the Speaker referred to the Committee on Appropriations.

Mr. Paynter, of the board heretofore drawn, selected and sworn to determine the contest to a right to a seat in this House as Representative in this House from the Fifty-first Representative District (which is in the city of Louisville), wherein George A. Dailey is contestant and Thomas Drewry is contestee, offered the following report of a majority of said board, viz.:

George A. Dailey.....Contestant

vs. Report of Committee.

Thos. Drewry.....Contestee

Your committee which was selected to try the above-styled contest, respectfully reports that it has carefully examined the record submitted and after such examination and full consideration thereof, is of the opinion that the contestee, Thomas Drewry, was legally elected a member of the lower House of the General Assembly of Kentucky from the Fifty-first Representative District of Kentucky, and was entitled to the certificate of election awarded to him, and is entitled to his seat in this body as such Representative. His majority, after giving contestant all he can reasonably claim, being over eight hundred.

While some irregularities have been shown in the election, yet your committee is of the opinion that there has not been sufficient fraud and irregularity shown to invalidate the election or to seat contestant. There is nothing in the record connecting contestee in any way with the alleged fraud or irregularities.

Your committee is further of the opinion that from all the circumstances surrounding this case, the contestant should be allowed a reasonable attorney fee and expense account, and for this purpose we recommend an allowance to said contestant of the sum of $75.00; that upon an examination of the record in this case your committee has decided that the preparation of this case entailed upon contestee the loss of considerable time, labor and expenditure of some money, and therefore recommends that he be allowed for his time, labor and expenses for preparing this contest, the sum of $75.00.

There is filed before the committee the bill of Frank L. Ward, stenographer for contestee in this contest, which bill amounts to $48.45. Of this sum, $20.00 has been paid by contestee, leaving unpaid $28.45, and the committee recommends the payment of this sum to Frank L. Ward.

The attorney for contestee was put to great labor and trouble in preparing the defense in his contest, and a reasonable fee for his services in this contest is $200.00, which sum your committee recommends to be paid to him.

And your committee recommends the adoption of the following resolution:

Be it resolved by the House of Representatives of Kentucky, That the contestee, Thomas Drewry, was, on the 7th day of November, 1905, legally elected representative from the Fifty-first Representative District of Kentucky to the House of Representatives in the present General Assembly of Kentucky, and the certificate of election was properly awarded to him, and that he is entitled to a seat in this body. And be it further resolved, by the House of Representatives of Kentucky, That there be allowed Thomas Drewry, contestee, the sum of $75.00 for his expenses in preparing

said contest. That there be allowed to Frank L. Ward, the sum of $28.45, balance of his bill for stenographic services for contestee; that there be allowed to the attorney of record for contestee, the sum of $200.00. That there be allowed to Geo. A. Dailey, contestant, for the purpose of expenses, and attorney fee the sum of $75.00. Said sums are to be paid as part of the contingent expenses of the House, and they are hereby declared to be such, and the Auditor will draw his warrants for said sums in favor of the above mentioned persons, and the name of the attorney of record shall be certified to said Auditor by the clerk of the House, when there is presented to him a voucher for said sum, and a copy of these resolutions, is declared to be such voucher, countersigned by the clerk of the House, and the Treasurer of the State will draw his check for the amount of said warrant, in favor of the persons named therein, when same is presented to him.

C. M. PAYNTER, Chairman.
CHAS. I. DAWSON,
J. M. ALVERSON,
PAUL GULLION,
E. H. SHELMAN.

Mr. Halbert of said board offered the following minority report, viz.:

REPORT OF THE MINORITY OF THE COMMITEE ON THIS CASE.

George A. Dailey, Contestant.

vs.

Thomas Drewry, Contestee.

May it please the House of Representatives:

The undersigned member of the committee, selected and duly sworn to try the above-styled election contest now pending before

the House, would respectfully show and report that after a very careful consideration of the facts and law in the case that he has not been able to concur in the judgment of the majority of the committee, and does hereby and herein set forth the reasons for his dissent, and his conclusions of both law and fact in the case derived from the voluminous record, consisting of something like three thousand pages of depositions, exhibits, the ballot boxes and ballots and poll books of the twentieth and twenty-fifth precincts of the twelfth ward and the briefs of counsel in the case.

## STATEMENT.

The Fifty-first Representative District of Kentucky—the district involved in this contest—consists of the eleventh and twelfth wards of the city of Louisville; the eleventh ward containing twenty-four voting precincts with a registered vote of 6,743, at the last November election, and the twelfth ward containing twenty-one voting precincts with a total registered vote of 6,469 at the same election, or an aggregate registered vote of 13,212 in the district

The vote as counted and certified by the election commissioners of Jefferson county, as between the contestant and the contestee was as follows:

For the contestee, Thomas Drewry, 6,251.

For the contestant, George A. Dailey, 3,891.

A majority on the face of the returns for the contestee of 2,360.

The sixth precinct of the eleventh ward with a registered vote of 288 was not included or counted by the election commissioners of Jefferson county in this race, or in fact for any other office at the last November election, and its exclusion from any participation in the selection of the various officers elected at that election was through no fault of omission or commission on the part of the voters and in fact through no fraud on the part of the officers who held the election, but merely from their neglect to sign and fill out the certificate of the result of the vote as cast and counted by them

in the certificate in the back of the poll book, although they did fill out and sign the duplicate certificates provided by law to be given to the Judges and inspectors of the precinct.

It appears from such certificates and the testimony of all the officers of said precinct that as between the contestant and contestee the vote of the precinct as cast and actually counted by them was as follows:

For the contestee, 107.

For the contestant, 129.

The entire committee was of the opinion that these votes should be added to the vote cast for the contestant and contestee respectively and which would make the aggregate vote cast for them in the district as follows:

For the contestee, 6,358.

For the contestant, 4,020.

A majority for the contestee on the face of the returns of 2,338.

It appears from the testimony without any dispute that in the eighteenth, twenty-fourth, twenty-sixth, twenty-eighth, thirty-second and thirty-fourth precincts of the twelfth ward, that the Democratic officers of election for each of these wards wilfully and fraudulently and in violation of law refused to go to the place fixed and designated by the sheriff for holding the election in each of said precincts and where the Republican officers were required to be and were in fact located on the day of the election; that said Democratic officers of election in each of said precincts had the ballots for said precincts and by reason of their failure to produce such ballots there was no election held at the regular places designated by law and where the regularly appointed Republican election officers remained during the hours of election designated by law. It is shown in the record beyond any room for argument or dispute that at each of the designated places for voting in all of said precincts that the regular ballot box and election booths for said precincts were at said voting places, and that the sole reason no election was held at all of said precincts was the fraudulent and wilful

action of the Democratic clerk in each of said precincts in refusing to produce the registration and poll or ballot book at the place designated by law.

It appears from the testimony without any dispute that more than twelve hundred voters of the sixth precincts aforesaid appeared at the regular voting places in said precincts between the hours fixed by the statute for the purpose of voting and offered to vote in said precincts, but were wholly unable to do so and did not vote at said election solely by reason of the action of the Democratic clerks aforesaid.

It further appears from the record beyond any room for doubt that the Democratic officers of the election for each of said six precincts without any effort to comply with the law in such cases made and provided, took the registration book and ballots provided by law for each of said precincts and which in fact were in each instance delivered to them and were in their custody and possession to other places in said precincts from two to three squares distant from the regular places of voting and that at such places they procured two other Democratic workers to serve as Republican officers in lieu and instead of the officers appointed by the election commissioners of Jefferson county and that they held or pretended to hold and conduct an election at these places so selected by them and without the presence of any Republican officers, challengers or inspectors.

It also appears from the record that at the election so held and conducted by said Democratic officers and persons selected by them, also all Democrats, that there was certified and counted by said parties for the contestant and contestee and which vote was subsequently included and counted for contestant and contestee by the election commissioners of the county the following vote, to-wit:

| Precinct. | Registered Vote. | Contestee. | Contestant. |
|---|---|---|---|
| 18th | 258 | 150 | 11 |
| 24th | 350 | 243 | 7 |

| | | | |
|---|---|---|---|
| 26th | 316 | 259 | 32 |
| 28th | 366 | 338 | 9 |
| 32nd | 330 | 237 | 7 |
| 34th | 281 | 204 | 36 |
| Total... 6 | 1,901 | 1,431 | 102 |

It appears from the testimony without dispute that these precincts have in every election since, and including, 1900, returned a majority for the Republican ticket, except in 1903, when most of them were fraudulently moved and fake elections held as in the present instance.

It was the unanimous judgment of the committee that these six precincts should be entirely excluded from any participation in the election on account of the fraud and disregard of law shown in the record, and we only differed as to the effect in law of such exclusion.

To exclude these precincts from the vote cast and counted for the contestant and contestee, as corrected by us, would leave the following result:

For the contestee.....4,927
For the contestant.....3,918

A majority for the contestee of.....1,009
on the face of the returns in thirty-nine precincts.

It appears from the record that the vote as cast, certified and counted in the race between the contestant and contestee in the Twentieth and Twenty-fifth precincts of the Twelfth ward by the election officers and also by the election commissioners for Jefferson county was as follows:

| Precinct. | Registered Vote. | Contestee. | Contestant. |
|---|---|---|---|
| 20th | 272 | 202 | 15 |
| 25th | 312 | 212 | 17 |
| Total... 2 | 584 | 414 | 32 |

A majority for contestee of 382.

The committee had before it and examined the ballot boxes and the ballots actually cast in these precincts and also the poll books used in same, together will the certificates contained in said poll books, and the actual result of the vote as cast in said precincts as shown by the ballots and also proven by the testimony was as follows:

| Precinct. | Contestee. | Contestant. |
|---|---|---|
| 20th | 102 | 115 |
| 25th | 130 | 91 |
| Total..... 2 | 232 | 206 |

A majority of twenty-six for contestee instead of 382 as actually counted for him by the election commissioners of the county and reducing the certified majority of contestee 356 votes or to 653.

It appears from the testimony beyond dispute that in the Twentieth precinct of the Twelfth ward at the close of the polls and after all the straight ballots had been counted and strung without any dispute that a controversy arose as to counting the first scratched ballot which was marked for the Republican ticket except jailer, that being unable to settle the dispute they agreed to send for a lawyer and the Democratic inspector left the voting room to telephone for one, but instead of doing so he went out to the crowd on the outside waiting for the returns and told them that the precinct had gone Republican.

As soon as this fact was disclosed a crowd of Democratic workers and ward-heelers, headed by a policeman, armed with revolvers, broke into the voting place, assaulted, beat and arrested the Republican sheriff of election and also assaulted and beat the Republican judge and carried the ballot box and all the ballots away.

The testimony is conclusive that no returns or certificate of the result of the election had been made out or signed by any of

the officers of the election when the count was broken up by the action of the mob, and the Republican officers never at any time certified or knew the exact result of the vote except the straight ballots, and that neither of them ever delivered or assisted in delivering the ballot bo[illegible]ty clerk, which was in the custody of the police when last seen by them. Notwithstanding the result, and contrary to the facts, the two Democratic election officers falsely and fraudulently certified that the precinct had given contestant fifteen votes instead of 115 and the contestee 202 instead of 102; in fact, they deducted one hundred votes from the vote cast for contestant and added same to the vote really cast for contestee, and this false and fraudulent return was counted by the election commissioners of Jefferson county.

In the twenty-fifth precinct of the Twelfth ward the testimony conclusively shows that after the polls had closed and a portion of the ballots had been called out by the Democratic inspector without any examination made of them by the officers of the election that one of the Republican officers said that the ballots must be laid on the table and inspected by all the officers or he would not sign the certificate of election. That almost immediately after this was said a crowd of fifteen or twenty Democratic workers headed by two policemen broke into the voting room and by their actions so intimidated the Republican officers and inspector that they all fled from the room for fear of violence without completing the count or signing any certificate of election, and in fact without ever knowing what the result of the election was. It appears that after their flight the Democratic officers, perhaps with the aid of the men who frightened the Republican officers away, made, or pretended to make, a count of the vote of the precinct and certified that it had given contestant seventeen votes and the contestee 212 and they, or some one else, forged the signature of the Republican officers to this false and fraudulent return, the actual result being shown above 130 for contestee, ninety-one for contestant.

This false and fraudulent return was counted by the election commissioners of the county.

If the Twentieth and Twenty-fifth precincts of the Twelfth ward be excluded from the count on account of the intimidation, force, fraud and violence used and because no actual count was ever made or certified by the election officers of the precincts, and there is no assurance that the ballots now found in the ballot boxes are in the same conditionas when they were cast; then we have the following result, to-wit:

For the contestant, 3,886.

For the contestee, 4,513.

A majority of 627 for the contestee on the face of the returns in thirty-seven precincts out of the forty-five composing the district.

In arriving at this conclusion, 2,485 legally registered and duly qualified voters of the district are disfranchised and excluded from any participation in the election of their Representative in this Assembly.

In addition to the above, it is reasonably certain, from the testimony before us, that a large number of illegal and fraudulent voters—as many, perhaps, as one thousand—were fraudulently procured to be registered by the political friends of the contestee in this district, and that many of such voters subsequently voted and were counted for the contestee; but the exact number I am, of course, unable to state.

It is shown by the evidence beyond any question of doubt that the political friends of the contestee between midnight and four o'clock on Monday night preceding the election, went to the No. 4 hook and ladder house in the Twelfth ward and there procured ballot boxes and booths, and between the hours above stated, delivered such boxes and booths to the different places in the Twelfth ward where the Democratic election officers in the six precincts of said ward shown in the report pretended to hold an election on the day of the election. The party who was hired to haul this election

apparatus testified that he was employed to do the work by the Democratic workers in that ward, and that he was paid ten dollars for same by a fireman; and that wherever he delivered such boxes and booths that night there were men in readiness to receive and who did receive them.

He also testified that three of the Democratic workers of the ward accompanied him and attended personally to the driving of the wagon and the delivery of the boxes, etc.

I also find from the record that in the six precincts that were illegally moved as aforesaid, that the voters, as a general rule, to which there were few exceptions, voted in strict alphabetical order as their names appeared on the registration book; this is something that is perhaps possible, but is highly improbable, and something that in actual experience has never occurred in the history of American politics.

The inference is almost irresistible from the record that in the six precincts that were illegally moved, and where no Republican election officers were present, that the Democratic clerk simply copied the registration book on his poll book and marked and put the ballots in the box as he thought they ought to vote. The fact that two-thirds of the voters in the six precincts went to the regular places of voting therein and left their names as voters at such places did not deter the clerks in the illegal voting places from recording their names, or most of them, as appearing and voting at such illegal voting places.

From the statement of facts herein set forth, it is apparent that there was no slight amount of fraud, intimidation and forgery committed in the election involved in this contest, and it seems to the undersigned that it was so pervading that it tended to, and did, destroy the verity of the returns made in the district, and by reason of which contestee alone holds a seat in this Assembly.

Can it be said by any one with any assurance or degree of certainty that Drewry's apparent majority of 627 would not have been overcome if the 2,485 registered voters of the eight precincts of the

Twelfth ward shown herein had not been denied their right to vote and been excluded in fact from any voice in the selection of their Representative?

And it can not be truthfully asserted that 2,485 voters is not a substantial part of the 13,212 registered voters in this district and that their exclusion from the right of suffrage without fault on their part is sufficient in law to invalidate the entire election.

The Constitution of the State provides that all elections held in the State must be free and equal; and it can not be said in this case that a free or equal election has been held when 2,485 legal voters are wholly excluded from any participation in the election.

We do not believe that there was any fair or equal election held in this district for Representative, as contemplated by the Constitution, and we do not believe in substituting our judgment in the matter for that of the good people of the district and that they should be afforded an opportunity to select their Representative at an election wherein all the legal voters of the district—not part of them—may participate, free from intimidation, oppression or force and uncontaminated with fraud.

While the committee agreed that the six precincts in which the voting place were illegally and fraudulently moved, as stated in our report, should be excluded from the results, we desire to say that such conclusion was based on the law in such cases, and is warranted by the law: Section 1443, Kentucky Statutes; 10 Am. & Eng. Ency. Law, 2d Ed., 684, 687; McCrary on Elections, sec. 158; Melvin's case, 78 Penn. St., 336, and authorities cited in these citations. There is no decision of our court known to, or examined by, us contrary to this general rule of law.

As the Pennsylvania court well said, "The holding of the election at the place fixed by law is not directory; it is mandatory, and can not be omitted without error. It seems that if the judges could carry and hold the election in districts half a mile distant from the appointed places they might carry and hold them three miles, and if they might go three miles they might, without altering the prin-

ciple of action in the least, go ten. It would assuredly inaugurate a fruitful source of fraud and furnish a most fertile field of litigation." Melvin's case, above cited.

But the exclusion of these six precincts, is after all, favorable to the contestee, although by it he is deprived of an apparent majority of 1,329 votes, and if their exclusion alone is all the relief the contestant can demand or receive from our hands, then the contestee will reap the benefit of the frauds perpetrated in his behalf in these precincts and the parties who perpetrated the fraud will attain the object they sought when they conceived and carried out their fraudulent schemes. It is shown in the testimony that these precincts were Republican precincts, and that they would have returned a majority for the contestant if not disfranchised, and it is manifest that there would have been no illegal removal and fake elections held had they been Democratic precincts. It is also shown in the record that the thirteen precincts in the Twelfth ward that were not removed and which touched and surrounded the six precincts that were moved, the Republican ticket made a uniform gain over the election of 1904, and that they carried these thirteen precincts by nearly 200 majority.

To simply throw ouf these six precincts is not only to disfranchise all the voters in these precincts, but also promotes and furthers the scheme of the conspirators who sought to deprive these people of their votes and the contestant of the majority he expected and had every assurance of receiving from these precincts, and which no doubt would have practically wiped out contestee's apparent majority.

While our court has not, apparently, been always clear in its construction of our election laws, and there is some room for contention, I conceive that the fundamental law of the State is clear and explicit, and that whenever an election is held in this State it must be free and equal, and whenever it fails to be either free or equal that it violates the supreme law of the Commonwealth; and no election can be held as free and equal when nearly nineteen out

of every hundred voters are excluded from any participation in the election.

In the case of Stewart v. Rose, 24 Ky. Law Rep., 1760, the court said:

"But where the illegal voting, the bribery or fraud or intimidation has prevailed so that its effect upon the result is such that no degree of certainty exists as to the fairly expressed will of the electors, the election should be declared void. The voters of the district or community affected by it are entitled to an opportunity, by a fair election, to select their officials. It is of the first importance to the people that their rights, before the claims of rival candidates, be protected and preserved: Upon all the facts shown in the record we are bound to conclude that neither contestant nor contestee can be adjudged to have been fairly elected."

In the very latest case on the subject, our court said:

"That it did not constitute a free and fair election to afford a majority of the legal voters an opportunity to vote, but that all legal voters should have that privilege and right. When the right is denied to a substantial extent, the courts can not, after an election, endeavor to ascertain just how many of those entitled to vote did so or had an opportunity to do so, nor to ascertain what might have been the result if those entitled, but denied, had voted; that it would not do to speculate as to how the voter, if permitted to cast his vote, would have voted." Early et al. v. Rains et al., decided November 15, 1905; 89 Southwestern.

If this be the law of our State, as I believe it is, then we have no right to surmise or speculate how the 2,485 registered and legal voters in the Fifty first Legislative District who were excluded from voting would have cast their votes if afforded an opportunity, and as they are sufficient in number to overcome contestee's majority and give contestant a majority of 1,858, we can conceive of no escape from the conclusion that contestee was not fairly and legally elected.

In the case of Halbert v. Goggin, a contested election case tried

by the State Senate in 1866, it appeared that the contestee was elected on the face of the returns by something over 300 votes, and the contest was based on the fact that at the Concord and Mower's precincts in Lewis county, soldiers or home guards were stationed at the polls and allowed no one to vote who refused to take the oath of allegiance. There was a lack of proof showing that enough votes were excluded to change the result or seriously affect it, but under the constitutional guarantee of free and equal elections the Senate declared the election void and ordered a new election, which was held in February, 1866, and resulted in the election of Halbert by more than six hundred majority.

In the case of Woodworth v. Emmons, a contested election case tried by this House in 1871, the contestee was declared elected to the House on the face of the returns and received a certificate of election. On the hearing of the contest the House declared the seat vacant on the ground that there had not been a free and equal election and directed a new election to be held to fill the vacancy. These two cases came from Lewis county and no doubt there are many others similar to them from other counties in the State.

In the contested election case of Goebel v. Taylor, the entire vote of the county of Jefferson was excluded because soldiers—State guards—were called out and and had, as the Legislature believed, intimidated the electors to such an extent as to prevent a free and fair election and expression of the will of the people in that county.

It was not proved in that case, and it is in fact difficult to establish in such cases, that the will of the people is subverted and prevented by fear of apprehended violence from declaring itself. But if the Legislature was right in that instance in adjudging that no election was held in Jefferson county and that it was not free and equal, then in order to be consistent with itself and its former judgment, it should hold and adjudge this election null and void for the intimidation of the police, the interference of armed thugs,

and the flagrant fraud and corruption that marked and attended it.

I believe that had my associates on the committee read this record as I have done and had the necessary time to devote to its fair consideration, that they would have concurred with me in my opinion.

Believing that our duties as members of this committee were, as declared by the Supreme Court of Pennsylvania, judicial in their nature, I have endeavored to look at this case from a judicial and not a partisan standpoint, and having rendered a decision that my judgment sanctions and approves, I submit the whole matter to the House for its determination.

I recommend that the contestant and contestee be each allowed the sum of $150.00 for counsel fees and a similar amount for their expenses incurred in prosecuting the contest.

In witness whereof I have hereunto set my hand this February 7, 1906. W. C. HALBERT.

The question being taken on the adoption of said minority report, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Halbert and Klair were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Charles C. Beard, | A. L. Denny, | Richard S. Rose, |
| B. O. Becker, | John C. Griffith, | R. C. Simmons, |
| J. C. Byland, | W. C. Halbert, | W. W. Smith, |
| W. T. Cain, | Albert Hamilton, | Harry Weitkamp, |
| M. F. Campbell, | D. C. Hopper, | Wm. Wilt, |
| Bennett Clarke, | W. H. Jones, | J. A. Yates—20. |
| H. K. Cole, | V. W. Morris, | |

Those who voted in the negative were—

| | | |
|---|---|---|
| J. M. Alverson, | Paul Gullion, | M. M. Redwine, |
| John Barr, | James A. Hagan, | J. M. Robertson, |

| | | |
|---|---|---|
| W. G. Baxter, | J. A. Hamon, | J. T. Royalty, |
| Peter Best, Jr., | C. W. G. Hannah, | S. M. Russell, |
| H. Kirby Bourne, | L. P. Head, | J. T. Scott, |
| N. B. Chipman, | W. J. Jackson, | Ed. H. Shellman, |
| J. W. Clay, | L. F. Johnson, | Emmet P. Slattery, |
| W. D. Claybrooke, | Wm. F. Klair, | W. H. Southall, |
| Sam. D. Cochran, | Geo. D. Litsey, | Hub L. Stevens, |
| Henry M. Cox, | H. M. McCarty, | John A. Stevens, |
| Ed. Croan, | M. H. McLean, | Zeb. A. Stewart, |
| Henry W. Curle, | Henry C. Miller, | George W. Stone, |
| Charles I. Dawson, | R. W. Miller, | C. C. Terry, |
| Lawrence J. Diskin, | Chris Mueller, | A. J. Thompson, |
| W. Reed Embry, | J. M. Mitchell, | John B. Wicker, |
| Robert Enlow, | James S. Morris, | Geo. S. Wilson, |
| J. A. Frazier, | Ed. Mulcahy, | Munnell Wilson, |
| Lloyd W. Gates, | Ion B. Nall, | J. Hal Woodford, |
| W. J. Gooch, | W. J. Osborne, | W. T. Wright, |
| A. J. Gorham, | Henry G. Overstreet, | J. A. Yates, |
| H. H. Griffin, | C. M. Paynter, | Will A. Young—65. |
| B. P. Grigsby, Sr., | John R. Ray, | |

Mr. Klair demanded a division of the question on the report of the majority as above set out.

The question being taken on the adoption of so much of said report of the majority as relates to the determining the right to a seat in this House, it was decided in the affirmative.

Mr. Drewry offered the following amendment, viz.:

Strike out all that part of said report as recommends and makes an allowance for attorneys' fees and expenses to the contestant in said matter.

Said amendment was agreed to.

The question being taken on so much of said report of the majority as recommends and makes an allowance to contestee for expenses to Frank L. Ward, stenographer for contestee and the at-

torney of record for said contestee, it was decided in the affirmative.

Said majority report as amended was then agreed to.

It is thereupon ordered and adjudged by the House that the said Thomas Drewry was, at the election held in the aforesaid district, on the seventh day of November, 1905, duly and regularly elected Representative from the Fifty-first Representative District (which is in the city of Louisville), and as such is entitled to a seat in this House.

The enrolling clerk delivered to the chief clerk of this House the original and enrolled copies of a resolution, entitled:

H. Res. 1. Resolution providing for the furnishing copies of Kentucky Statutes and Codes of Practice to chairmen of several committees of Senate and House, and the Official Manual of Kentucky to the members of the General Assembly and certain officials.

Ordered, That the clerk deliver said enrolled copy to the Governor.

After a time, the clerk reported that he had discharged that duty.

Then the House adjourned.

THURSDAY, FEBRUARY 8, 1906.

The House opened with prayer by the Rev. J. C. A. Vaught.

The reading of the Journal of yesterday's proceedings was dispensed with and the same was approved .

Mr. Embry offered the following resolution, viz.:

Be it resolved by the House of Representatives of Kentucky, That Chris Mueller, Representative from the Forty-sixth District of Kentucky, in the lower House of the General Assembly at this session, be allowed the additional sum of $60 as payment in full of his expenses in defending the contest instituted against him for a seat in this House by James A. Dorsey, which contest was decided in said Miller's favor, and sad sum is declared to be part of the contingent expenses of this House, and the Auditor of State will draw his warrant in favor of said Miller for said sum when there is presented to him a voucher for same; and a copy of these resolutions is declared to be said voucher, and the Treasurer of State will draw his check in favor of said Miller when said voucher is presented to him.

Said resolution was agreed to.

Mr. Stewart offered the following resolution, viz.:

Whereas, The Agricultural and Mechanical College of Kentucky, located at Lexington, and known as the State College, was established by the act of the General Assembly in 1880; and,

Whereas, By section 4019 of the Kentucky Statutes, carrying out the provisions of section 184 of the Constitution of this Commonwealth, an annual tax of one-half of one per cent. on each one hundred dollars in value of all property directed to be assessed for

taxation in this Commonwealth is annually collected and applied for the benefit of said institution; and,

Whereas, Said institution has received annually from the United States government the sum of $21,375, amounting in twenty-five years to $534,375; and,

Whereas, The General Assembly has been exceedingly liberal in the way of appropriations to said institution, having, since the year 1900 appropriated sums aggregating $102,000 for the use and benefit of said institution; and,

Whereas, The amounts appropriated to said institution, together with the amounts received from taxation as aforesaid, amount in the aggregate to the sum of $1,200,023.57, as shown by the Auditor's report for the fiscal year ending June 30, 1905; and,

Whereas, The total amounts received from the State of Kentucky as aforesaid, amount in the aggregate to the sum of $1,734,398; and,

Whereas, As an inducement for the location of said college therein, the city of Lexington donated fifty-two acres of land within the limits of said city, and in addition thereto the sum of $30,000 in city bonds, and the county of Fayette supplemented this by a donation of $20,000 in county bonds; and,

Whereas, By a bill introduced into this House at the present session said institution is asking for an additional appropriation amounting to $100,000; and,

Whereas, The biennial report of said college to the Governor and this General Assembly fails to show the amounts paid to the president, teachers, officers and employes of said institution, and fails to show in detail the expenditures thereof, but under the head of "Disbursements" merely shows various sums paid out as "per vouchers," and said sums amounting to several thousand dollars, and same does not show the items of expenditures represented by said vouchers; and,

Whereas, In the act creating and establishing said institution no provision is made requiring a report to be made to the General

Assembly of the amounts paid and to be paid the officers, teachers and employes of said institution, or to give to said body a detailed account of its contracts and expenditures, and is in this respect, independent of, and unaccountable to, the sovereign body which gave it its existence, and its acts and expenditures are, therefore in a great measure unknown to the body which brought it into being, as well as to the people whom this body represents; therefore, be it

Resolved, That the president of said Agricultural and Mechanical College be, and is hereby ordered and directed, to prepare and furnish to this Assembly at his earliest possible convenience a statement showing the respective amounts paid to each teacher, officer and employe of said institution for the past five years, together with a statement of the services performed by each, when, how and by whom employed, and the names of each, and full, complete and accurate statement of the several amounts of moneys paid out and expended by said institution for any and all purposes whatsoever.

Said resolution was agreed to.

Mr. Yaden offered the following resolution, viz.:

Whereas, It is a fundamental principle of a free government that the direct and expressed will of the people should be the law of the land; and,

Whereas, Any government that brings government affairs and the selection of their public officers near the people is generally more satisfactory than any other and in keeping and harmony with the spirit of our national and State constitutions; therefore, be it

Resolved by the Senate and House of Representatives of the Commonwealth of Kentucky, now assembled, request our two Senators and Representatives in the Congress of the United States to vote and use their influence to procure an amendment to the United States Constitution to provide that the United States Senaors shall be elected by the direct popular vote of the people instead of being elected by the several State Legislatures.

Mr. Yaden moved that said resolution be referred to Committee on Federal Relations.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed a bill of the following title, viz.:

S. B. 201. An act to amend an act for the government of cities of the first class, approved March 23, 1894, and to repeal section 8 of said act and to substitute a section for said section.

Said bill was ordered to be printed, and was by the Speaker referred to the Committee on Municipalities.

Mr. Wilt, of the board heretofore drawn selected and sworn to determine the contest for a right to a seat in this House as Representative from the Forty-eighth Representative District (which is in the city of Louisville), wherein Lee S. Bernheim is contestant and Emmet P. Slattery is contestee, offered the following report of a majority of said board, viz.:

Lee S. Bernheim.....Contestant

vs.

Emmet P. Slattery.....Contestee

The undersigned majority of the committee appointed in this case to decide and pass upon the contested election, which contest was made by Lee S. Bernheim, contestant, against Emmet P. Slattery, contestee, beg leave to report that after reading the evidence herein of the contestant and the evidence of the contestee herein, and after hearing argument of counsel and being advised, it is the opinion and finding of the undersigned majority of the committee—

That there was no legal election held in precinct No. 27 of ward

6, of district No. 48, in the city of Louisville, on the 7th day of November, 1905.

The said majority of the committee find and reports that the regular election commissioners of Jefferson county appointed F. A. Schaich, a Republican judge; and Thos. Green, a Republican sheriff, Robert Thurman, Democratic judge, and Edward Tatham, Democratic clerk, officers of the election in precinct No. 27 of ward No. 6, of district No. 48, to hold an election the 7th day of November, 1905. And we further find that the acting sheriff of Jefferson county, Kentucky, ——— Green, secured and leased a place and room at which said election should be held on November 7, 1905, at room 219 Second street in the city of Louisville and in Jefferson county, in precinct No. 27, ward No. 6, district No. 48, in which to hold said election, and duly furnished said room with booths, stencils, pads and pencils and such paraphernalia as was necessary to enable the officers to hold said election, and that the said acting sheriff of said county, ——— Green, gave due notice to the above-named election officers that he had secured room 219 Second street, in which they would hold said election on November 7, 1905, and that they should repair to said place on the morning of November 7, 1905, and hold said election according to law.

We further find and so report that F. A. Schaich, Republican judge, and Thos. Green, Republican sheriff, went to said place and room at 219 Second street on the morning of November 7, 1905, before six o'clock to hold said election in said precinct No. 27, ward No. 6, in district No. 48, and that said sheriff, Thos. Green, carried with him the ballot box in which the ballots of said precinct were to be cast in said election.

We find that the Democratic clerk, Edward Tatham, appointed by the said election commissioners, failed to appear at 219 Second street with the ballot book and registration books and there discharge his duty as an officer of said election, and we find also that Robert Thurman, Democratic judge, failed to appear and discharge

his duty as an officer in said precinct, ward and district. And we find and report that because of the failure of said election officers, Tatham and Thurman, to appear at said room 219 Second street in said twenty-seventh precinct of the sixth ward of said forty-eighth district in the discharge of their duties as election officers, and because the sair clerk of said election, Edward Tatham, failed to appear with the ballot book, registration books and election paraphernalia in his possession, no election was held at 219 East Second street in precinct No. 27, ward No. 6, district No. 48, in the city of Louisville, Jefferson county, Kentucky, November 7, 1905.

We further find that the said Edward Tatham, Democratic clerk of said election, precinct No. 27, ward No. 6, district No. 48, in the city of Louisville, Jefferson county, Kentucky, by associating with himself one Chas. Curran and one Frank James and Henry Marshall, attempted to hold an election on the said 7th day of November, 1905, in precinct No. 27, ward No. 6, district No. 48, in the city of Louisville, Jefferson county, in room No. 232 Water street, in said precinct, ward and district, which was a place other than room 219 Second street in precinct No. 27, ward No. 6, district No. 48, and remote from the place designated and secured by the acting sheriff of Jefferson county at which said election was to have been held.

And we find that the said Tatham, Curran, James, and Marshall did attempt to hold some sort of pretended election at 232 Water street on said day in said precinct, ward and district, in which they claimed and certified to the proper and lawful authorities that an election had been held, and that the contestee, Emmet P. Slattery, received 185 votes and that the contestant, Lee S. Bernheim, received four votes, which votes cast in said pretended election made a total of 1,814 votes cast for Emmet P. Slattery in said forty-eighth district, and 1,792 votes cast for Lee S. Bernheim in said forty-eighth district, which votes so counted gave to Emmet P. Slattery a majority of twenty-two votes of all the votes cast in the forty-eighth district.

We find and report that no legal election was held in precinct No. 27 of the sixth ward in the forty-eighth district in the city of Louisville, Jefferson county, on November 7, 1905.

And it is the finding and report of your committee, and they so find and report that no election was held in the twenty-seventh precinct of the sixth ward of the forty-eighth district as aforesaid, and that they throw out the whole vote claimed to have been cast in said twenty-seventh precinct of the sixth ward, forty-eighth district, in the city of Louisville, Jefferson county, on November 7, 1905.

They further find and report that if a free and equal election had been held in the twenty-seventh precinct of ward No. 6, forty-eighth district in the city of Louisville, Jefferson county, November 7, 1905, that the contestant, Lee S. Bernheim, would have received enough of the legal votes of said precinct, ward and district to have given him a majority of all the votes cast in the forty-eighth district in the city of Louisville, Jefferson county, Kentucky.

We find that the returns as certified to by the said Edward Tatham, Chas. Curran, Frank James and Harry Marshall of the alleged poll and election held at 232 Water street of said precinct, ward and district was illegal, fraudulent and void, and does not represent the voters of said precinct.

We find and report that after throwing out the alleged vote claimed to have been cast and given in the twenty-seventh precinct, sixth ward, forty-eighth district in the city of Louisville, Jefferson county, Kentucky, that the contestant, Lee S. Bernheim, received a majority of all the votes cast in the forty-eighth district, and that he was elected to represent the Forty-eighth Legislative District, in the city of Louisville, Jefferson county, and that he is entitled to his seat as a member of the present House of Representatives in the General Assembly of the State of Kentucky.

We find that the charges of fraud, conspiracy and wrongs complained of by the contestant in his notice of contest against the contestee, Emmet P. Slattery, are without foundation and were never

shown to have any existence at all in so far as applied to said Emmet P. Slattery.

All of which is respectfully submitted.

H. W. CURLE,
W. M. WILT,
J. A. YATES,
D. C. HOPPER,
M. B. CLARK.

ATTEST: ——— ———.

Chief Clerk House of Representatives.

Mr. R. W. Miller, of said board, offered the following report of the minority of said board as a substitute for the report as offered by the majority, viz.:

Lee S. Bernheim.....Contestant

vs. Minority Report.

Emmet P. Slattery .....Contestee

The undersigned having been selected as part of the committee to try this contest, respectfully report that they, in conjunction with other members of the committee, gave the record in this case a careful and painstaking examination, and from that examination they are unable to agree with the conclusions reached by a majority of the committee.

In the notice of contest the contestant makes various charges of fraud and intimidation. He charges a general conspiracy throughout the city of Louisville to elect all the Democratic candidates for office at the November election, 1905, including contestee, and makes numerous charges of fraud and misconduct as to various precincts in the Forty-eighth Legislative District.

Upon the argument of the case all charges of general conspiracy were withdrawn, as were the charges of fraud and misconduct, except as to the twenty-seventh precinct of the sixth ward; and in this precinct the ground of misconduct charged is that the

voting place was changed from the place designated by the sheriff of election (or the one who acted for him) to a place about a square and a half from the place selected by the sheriff.

The proof of this change shows that no force or violence was used in making it; that there was no intimidation of the voters and no misconduct other than that of the change, and the permitting of voting at a place other than that selected by the sheriff; and the further charge that persons were voted who did not appear and vote at said place.

There is not anywhere in the record a scintilla of testimony in any manner connecting the contestee with this change. The testimony is that the place selected to register the voters in that precinct was Leonard's stable on the east side of Second street, between Market and Main street. On registration day one Ed Tatham, a Democrat, was clerk. For some reason the place of election was changed from the place where the registration was held, and 219 Second street was selected by the proper authorities as the place for voting, and this fact was known to Tatham and the other officers.

On the morning of the election Tatham, the clerk, started to 219 Second street with the ballots and stencils to hold the election. He testified (and is not contradicted) that on his way to the polls he met two men who represented themselves as election officers and who produced credentials showing that they were such, and he was informed by them that the place of voting had been changed from the place at 219 Second street; that he was somewhat surprised at this, but knowing that the voting place had been changed from the place where the registration was held, he supposed that another change had been made, and at the request of these two men he established at 232 Water street the voting place, this being about a square and a half from 219 Second street. The two men who represented themselves to be election officers had with them a ballot box, and a booth was made from canves in the room at 232 Water street, and notices posted up that the election in that precinct would be held at that place. This was all done early in the morning not later than

6:30 a. m. And the testimony is that from this time on voters constantly appeared at this place and voted.

There is testimony showing that the fact that the voting was being held at 232 Water street instead of 219 Second street was known to those voters who came to 219 Second street, a number of them actually coming from 219 Second street to 232 Water street, and there voting. This is proved by contestant's witnesses.

And from the testimony in the case the undersigned are of the opinion that the fact that the voting was being done at 232 Water street was known to practically all of the voters in that precinct.

Some of those who are recorded as having voted at 219 Second street testified that they did not so vote, and others testified that they did not know whether they voted or not. The presumption of law is that the acts of the officers were regular, and that the votes were cast as recorded, and the evidence in this case is not sufficient to overturn that presumption. It may be true that some irregularities were indulged in in making this change, but it did not affect the right of the voters of this precinct to vote, because, as a matter of fact, they did vote, and all had full knowledge of where the voting place was established, had opportunity to vote and took advantage of that opportunity.

And the sole question for determination is whether or not a change of the voting place, without posting notices at the place originally selected, is sufficient to invalidate an election in that precinct. The undersigned are of the opinion that it does not invalidate the election, and in this they feel that they are abundantly sustained by authority.

The general rule is that the law regulating the place where the voting is to be held, and the change thereof, is directory; and if the electors of a precinct had knowledge of where the voting was to be done and an opportunity to cast their votes, the election in that precinct will not be void because it has not been held in the place originally selected. Section No. 1443 of the Kentucky Statutes

regulates this matter, but the provisions as to posting notice and the announcement at the door are purely directory.

In the case of Anderson v. Liken, 194 Ky., one of the questions involved was the change of a voting place, and it appears from the opinion that one of the voting places was moved about one-half mile from the place fixed by law. In discussing this question, the court says, on page 713:

"It does not satisfactorily appear that any elector was misled or misinformed of the change, or failed to attend the election by reason of the change."

Now, after quoting section No. 1443 of the Kentucky Statutes, the court continues:

"In our opinion, the law being substantially complied with, the vote of an entire precinct should not be rejected by reason of a change of the voting place when it appears, as it does in this case, that the place selected is the nearest one that could be obtained to the former voting place, and when it does not appear that the change was fraudulently made, or that any elector was thereby deprived of his privilege of voting."

In McCrary on Elections, 4th Edition, section No. 158, page 122, the law is stated as follows:

"The removal of the place of voting a short distance from that fixed by law, but to a place near by, so that no one was misled, is not fatal to the election."

In A. & E. Ency. of Law, 1st Edition, vol. 6, page 323, it is said:

"Where the change is a necessary one and the distance is small and the voters are notified of it and a fair and full election is held, it will not be ground for avoiding the election."

And, as sustaining the above, in a note in the same volume and page of the encyclopedia, the following reference is made to the case of Wakefield v. Patterson, 25 Kansas, 709:

"Where it had been the custom to hold the school election at one of the two school buildings, and the usual notice was given, but the clerk for the comfort of the voters, resolved to hold it at the

other building, and a person stationed at the usual place notified the voters of the change, the election was held to be valid."

Under the facts as shown in this record, and under the law here quoted, the undersigned are of the opinion that the contestee is entitled to his seat. His majority upon the face of the returns is only twenty-two (22) votes, but the smallness of the majority should not affect the right of contestee to hold his seat when it is shown that the election was held in such manner as to give all of the voters of the district an opportunity to vote.

The undersigned are further of the opinion that the contestant is entitled to $199 for his expenses in this contest, and $150 attorneys' fees. The contestee, as shown by the proof before us, was put to a great deal of trouble and expense in preparing his defense in this action. He paid for the taking of depositions in this action the sum of $102.45, and for extra stenographic work the sum of $4, and we recommend an allowance to him of the sum of $106.45. The attorneys for the contestee devoted much time and labor to the preparation of his defense, and the sum of $150 is an exceedingly reasonable amount to allow them, and the undersigned recommend the adoption of the following resolution:

Be it resolved by the House of Representatives of Kentucky, That Emmett P. Slattery was duly elected a member of this House from the Forty-eighth Representative District of Kentucky on the 7th day of November, 1905, and was and is entitled to the certificate of election awarded him; and that there be allowed to him for his expenses in defending this contest the sum of $106.45, and that there be allowed to his attorneys for their services herein the sum of $150, and that the contestant, Lee S. Bernheim be allowed $199 for expenses and $150 attorneys' fees. Said sums will be paid as part of the contingent expense of this House, and they are hereby declared to be such; and the Auditor of State will draw his warrant for the above amounts in favor of the persons entitled thereto when a voucher is presented to him countersigned by the clerk of the House for said sums; and a copy of this resolution is declared to be

said voucher, and the clerk will certify to said Auditor the names of the attorneys who are entitled to said respective $150, and the Treasurer of the State will pay to the persons entitled thereto the amounts allowed to them by this resolution when there is presented to him a warrant of the Auditor for said sums.

Respectfully submitted,

R. W. MILLER,
A. J. GORHAM.

ATTEST: ——— ———,
Chief Clerk House of Representatives.

The question was taken upon the adoption of the report of the minority of said board, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Halbert and Alverson, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | B. P. Grigsby, Sr., | J. M. Robertson, |
| John Barr, | Paul Gullion, | J. T. Royalty, |
| E. Barry, | James A. Hagan, | J. T. Scott, |
| W. G. Baxter, | J. A. Hamon, | Ed. H. Shellman, |
| Peter Best, Jr., | W. J. Jackson, | W. H. Southall, |
| Roger P. Blair, | L. F. Johnson, | Hub L. Stevens, |
| H. Kirby Bourne, | Wm. F. Klair, | John A. Stevens, |
| N. B. Chipman, | Geo. D. Litsey, | George W. Stone, |
| J. W. Clay, | H. M. McCarty, | C. C. Terry, |
| W. D. Claybrooke, | Henry C. Miller, | A. J. Thompson, |
| Sam. D. Cochran, | R. W. Miller, | C. F. Thornton, |
| Henry M. Cox, | Chris Mueller, | T. A. Weldon, |
| Ed. Croan, | James S. Morris, | W. T. White, |
| Thomas Drewry, | Ed. Mulcahy, | John B. Wicker, |
| W. Reed Embry, | Ion B. Nall, | Geo. S. Wilson, |
| Robert Enlow, | W. J. Osborne, | Munnell Wilson, |
| J. A. Frazier, | Henry G. Overstreet, | J. Hal Woodford, |
| Lloyd W. Gates, | C. M. Paynter, | W. T. Wright, |
| W. J. Gooch, | John R. Ray, | James C. Yaden, |

A. J. Gorham, M. M. Redwine, Will A. Young—61.
H. H. Griffin,

Those who voted in the negative were—

| | | |
|---|---|---|
| Charles C. Beard, | M. T. Freeman, | V. W. Morris, |
| B. O. Becker, | John C. Griffith, | Richard S. Rose, |
| Joe F. Bosworth, | W. C. Halbert, | S. M. Russell, |
| J. C. Byland, | Albert Hamilton, | R. C. Simmons, |
| M. F. Campbell, | C. W. G. Hannah, | W. W. Smith, |
| Bennett Clarke, | D. C. Hopper, | Harry Weitkamp, |
| H. K. Cole, | W. H. Jones, | Wm. Wilt, |
| W. H. Cole, | M. H. McLean, | J. A. Yates—26. |
| Henry W. Curle, | J. M. Mitchell, | |

The said report as amended by the report of the minority was then adopted.

It was thereupon ordered and adjudged by the House that Emmet P. Slattery was, at the election held on November 7, 1905, duly and regularly elected Representative in this General Assembly from the Forty-eighth Representative District (which is in the city of Louisville), and as such is entitled to a seat on the floor of this House.

Mr. Dawson, of the Committee on Constitutional Amendments, to which the same had been re-committed with leave to report at any time, reported a bill entitled

H. B. 64. An act relating to amendment of section 145 of the Constitution, relating to suffrage and elections.

Together with an amendment thereto proposed by said committee.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That upon the concurrence of three-fifths of all the members

elected to each House, the yeas and nays being taken thereon and entered in full in their respective journals, section 145 of the Constitution of Kentucky be, and it is amended, by adding a fourth paragraph to said section containing the following words, to-wit:

"Persons who have not paid in full all taxes assessed against and due by them for State, county, municipal, district and school purposes on or before January 1st of the year in which they offer to vote."

§ 2. That section 145 of the Constitution of Kentucky, relating to suffrage and elections, be amended to read as follows:

"Every male citizen of the United States of the age of twenty-one years, who has resided in the State one year and in the county six months, or the precinct in which he offers to vote, sixty days next preceding the election, shall be a voter in said precinct and not elsewhere, but the following persons are excepted and shall not have the right to vote.

"1. Persons convicted in any court of competent jurisdiction of treason or felony or bribery in an election, or of such high misdemeanor as the General Assembly may declare, shall operate as an exclusion from the right of suffrage; but persons hereby excluded may be restored to their civil rights by executive pardon.

"2. Persons who at the time of the election are in confinement under the judgment of the court for some penal offense.

"3. Idiots and insane persons.

"4. Persons who have not paid in full all taxes assessed against and due by them for State, county, municipal, district and school purposes, on or before January 1st of the year in which they offer to vote."

The amendment as proposed thereto by the Senate is as follows:

That subsection 4 of the act be stricken out, and there be substituted in lieu thereof the following:

"4. Persons who have not at least sixty days before the election at which they offer to vote paid in full all State, county, municipal,

district and school taxes due by them for the year previous to the one in which they offer to vote."

Said amendment as proposed by the committee was agreed to.

Ordered, That said bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed, said bill was read the third time by its title, and passed as amended.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

J. M. Alverson,
John Barr,
E. Barry,
W. G. Baxter,
Peter Best, Jr.,
Roger P. Blair,
H. Kirby Bourne,
J. C. Byland,
N. B. Chipman,
J. W. Clay,
W. D. Claybrooke,
Sam. D. Cochran,
Henry M. Cox,
Ed. Croan,
Charles I. Dawson,
Thomas Drewry,
W. Reed Embry,
Robert Enlow,
J. A. Frazier,
Lloyd W. Gates,
W. J. Gooch,
A. J. Gorham,
B. P. Grigsby, Sr.,
Paul Gullion,
James A. Hagan,
J. A. Hamon,
L. P. Head,
L. F. Johnson,
Wm. F. Klair,
Geo. D. Litsey,
H. M. McCarty,
Virgil McKnight,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
Chris Mueller,
J. M. Mitchell,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
John R. Ray,
M. M. Redwine,
J. M. Robertson,
J. T. Royalty,
S. M. Russell,
J. T. Scott,
Ed. H. Shellman,
Emmet P. Slattery,
W. H. Southall,
Hub L. Stevens,
John A. Stevens,
George W. Stone,
C. C. Terry,
A. J. Thompson,
C. F. Thornton,
T. A. Weldon,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
Munnell Wilson,
J. Hal Woodford,
W. T. Wright—65.

Those who voted in the negative were—

| | | |
|---|---|---|
| Louis W. Arnett, | M. T. Freeman, | Richard S. Rose, |
| Charles C. Beard, | H. H. Griffin, | R. C. Simmons, |
| B. O. Becker, | John C. Griffith, | W. W. Smith, |
| Joe F. Bosworth, | W. C. Halbert, | Zeb. A. Stewart, |
| M. F. Campbell, | Albert Hamilton, | D. P. Taggart, |
| Bennett Clarke, | C. W. G. Hannah, | Harry Weitkamp, |
| H. K. Cole, | D. C. Hopper, | Wm. Wilt, |
| W. H. Cole, | W. J. Jackson, | Jas. C. Yarden, |
| Henry W. Curle, | W. H. Jones, | J. A. Yates—29. |
| A. L. Denny, | V. W. Morris, | |

Resolved, That the title thereof be as aforesaid.

Mr. Bourne moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At 11:45 a. m. the House took up for consideration the special order of the day for that hour, to-wit, a bill entitled

H. B. 120. An act to repeal chapter 122 of the Session Acts of 1902.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all of chapter 122, Session Acts 1902, entitled An act to regulate proceedings in civil actions in circuit courts, which became a law March 29, 1902, without the approval of the Governor, be, and the same is, hereby repealed and held for naught.

§ 2. This act shall take effect and be in force from and after its passage.

Ordered, That said bill be read the third time.

The provision of the Constitution as to the third reading of

said bill at length being dispensed with, said bill was read the third time by its title, and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | A. J. Gorham, | S. M. Russell, |
| Louis W. Arnett, | H. H. Griffin, | J. T. Scott, |
| W. G. Baxter, | John C. Griffith, | Ed. H. Shellman, |
| B. O. Becker, | B. P. Grigsby, Sr., | R. C. Simmons, |
| Peter Best, Jr., | W. C. Halbert, | Emmet P. Slattery, |
| Roger P. Blair, | Albert Hamilton, | W. W. Smith, |
| Joe F. Bosworth, | J. A. Hamon, | W. H. Southall, |
| H. Kirby Bourne, | C. W. G. Hannah, | Hub L. Stevens, |
| J. C. Byland, | D. C. Hopper, | John A. Stevens, |
| M. F. Campbell, | W. J. Jackson, | Zeb. A. Stewart, |
| N. B. Chipman, | L. F. Johnson, | D. P. Taggart, |
| Bennett Clarke, | Wm. F. Klair, | A. J. Thompson, |
| W. D. Claybrooke, | H. M. McCarty, | C. F. Thornton, |
| H. K. Cole, | Virgil McKnight, | Harry Weitkamp, |
| W. H. Cole, | Henry C. Miller, | T. A. Weldon, |
| Henry M. Cox, | R. W. Miller, | W. T. White, |
| Ed. Croan, | Chris Mueller, | John B. Wicker, |
| Henry W. Curle, | J. M. Mitchell, | Geo. S. Wilson, |
| Charles I. Dawson, | Ion B. Nall, | J. Hal Woodford, |
| A. L. Denny, | John R. Ray, | W. T. Wright, |
| Thomas Drewry, | M. M. Redwine, | James C. Yaden, |
| W. Reed Embry, | J. M. Robertson, | J. A. Yates, |
| Lloyd W. Gates, | Richard S. Rose, | Will A. Young—69. |

Those who voted in the negative were—

| | | |
|---|---|---|
| John Barr, | M. H. McLean, | Henry G. Overstreet, |
| E. Barry, | V. W. Morris, | C. M. Paynter, |
| Charles C. Beard, | James S. Morris, | J. T. Royalty, |
| James A. Hagan, | Ed. Mulcahy, | George W. Stone, |
| Geo. D. Litsey, | W. J. Osborne, | C. C. Terry—15. |

Resolved, That the title thereof be as aforesaid.

Mr. McKnight moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

Mr. Simmons, of the Committee on Judiciary, to which the same had been referred and reported bills of the following titles:

S. B. 2. An act to amend section 664, subdivision 3, article 4, chapter 32, Kentucky Statutes.

S. B. 3. An act to amend section 679, subdivision 3, article 4, chapter 32, Kentucky Statutes.

Mr. McKnight moved that said bills be re-committed to the Committee on Kentucky Statutes.

Said motion was agreed to.

Mr. Enlow, of the Committee on Public Morals, to which the same had been referred, reported a bill entitled

H. B. 221. An act to amend section 4224, article 10, subdivision 4, chapter 108, of Kentucky Statutes, title "Revenue and Taxation."

Mr. Enlow moved that said bill be re-committed to the Committee on Revenue and Taxation.

Said motion was agreed to.

Mr. McLean, of the Committee on Municipalities, to which the same had been referred, reported a bill entitled

H. B. 179. An act to amend subsection 7, section 1019a, Kentucky Statutes, providing for stenographic reporters in courts having continuous sessions.

Mr. McLean moved that said bill be re-committed to the Committee on Judiciary.

Said motion was agreed to.

Mr. H. K. Cole, of the Committee on Internal Improvements, to which the same had been re-committed, reported a bill, entitled

H. B. 2. An act to amend section 4313, Kentucky Statutes, title "Public Roads."

Together with an amendment thereto.

Mr. Southall offered an amendment to said bill.

Mr. Chipman offered an amendment to said bill.

Mr. Dawson offered an amendment to said bill.

Mr. Southall moved that all of said amendments lie on the table.

Said motion was agreed to.

Mr. Terry, of the Committee on State Prisons and House of Reform, which had originated the same, reported a bill entitled

H. B. 407: An act to amend an act, entitled An act to establish houses of reform, one for boys and one for girls, and to provide for the government thereof, and making an appropriation therefor, which became a law March 21, 1896.

Said bill was read the first time at length, ordered to be printed and placed on the calendar.

At 12 o'clock m Mr. Klair moved that the consideration of the orders of the day be postponed and that the calendar be called, and that after that the call of the committees be proceeded with.

Said motion was agreed to.

The House took up for consideration from the calendar bills of the following titles, viz.:

H. B. 14. An act for the benefit of the Kentucky School for the Deaf.

S. B. 9. An act for the benefit of the Eastern Kentucky Asylum for the Insane at Lexington.

Ordered, That said bills be severally read the second time.

The provision of the Constitution as to the second reading of said bills at length being dispensed with, said bills were severally read the second time by their titles.

Ordered, That said bills be re-committed to the Committees on Appropriations, and that said committee have leave to report at any time.

Also a bill entitled

H. B. 333. An act to prevent the operation of pool rooms and fixing the penalty for its violation.

Ordered, That said bill be read the second time.

The provision of the Constitution as to the second reading of said bill the second time at length being dispensed with, said bill was read the second time by its title.

Mr. Simmons moved that said bill be re-committed to the Committee on Judiciary, and that said committee have leave to report at any time.

Said motion was agreed to.

The House also took up for consideration from the calendar bills of the following titles, viz.:

H. B. 137. An act to amend section 4692 of the Kentucky Statutes, being a portion of chapter 126, title "Treasurer—State."

H. B. 291. An act to regulate the employment of legislative counsel and agents, and to provide for the return legislative expenses.

H. B. 290. An act to prohibit influencing agents, employes or servants.

H. B. 280. An act qualifying the risks to be deemed as assumed by employes.

H. B. 205. An act fixing the rate of interest to be charged guardians, curators and committees.

H. B. 276. An act to regulate and control the appointment or election of persons to offices or places of trust or profit by boards or bodies of public officers.

H. B. 190. An act to permit defendants in civil suits for damages for an assault, or an assault and battery, to plead mitigating facts and circumstances as a defense to the claim for punitive damages, and to introduce such facts and circumstances in evidence in mitigation of damages.

H. B. 341. An act authorizing William Boling to sue the Commonwealth of Kentucky.

H. B. 248. An act concerning children.

Ordered, That said bills be severally read the second time.

The provision of the Constitution as to the second reading of said bills at length being dispensed with, said bills were severally read the second time by their titles.

Ordered, That said bills be placed in the order of the day.

The committees to which the same had been referred reported bills of the following titles:

By Mr. Southall, of the Committee on Charitable Institutions.

S. B. 26. An act to appropriate funds for the improvements of the Western Kentucky Asylum for the Insane at Hopkinsville Kentucky.

Mr. Simmons, of the Committee on Judiciary:

H. B. 247. An act to provide for the punishment of persons responsible for, or directly promoting or contributing to, the conditions that render a child dependent, neglected or delinquent.

By same:

H. B. 325. An act to regulate the liability of employers to employes for injuries sustained by such employes while in the performance of their duties to their employers.

Together with an amendment by way of substitute therefor.

By Mr. Terry, of the Committee on State Prisons and Houses of Reform:

H. B. 229. An act appropriating the sum of $22,000 for a brick building for a workshop at Frankfort, Kentucky.

By same:

H. B. 230. An act to appropriate $7,000 for the installation of a dust collecting and cleaning system in the workshop at the State penitentiary at Frankfort, Kentuky.

By same:

H. B. 231. An act to appropriate money for the erection of a new hospital with suitable tuberculosis wards, operating rooms and other necessary equipments of the State penitentiary at Frankfort, Kentucky, and for the equipment of the present hospital as a chapel.

By same:

H. B. 232. An act to appropriate $5,000 for the erection and equipment of a tuberculosis hospital at the branch penitentiary at Eddyville, Kentucky.

By same:

H. B. 334. An act to amend an act, entitled An act to create a board of penitentiary commissioners and regulate the penal institutions of this Commonwealth, which became a law March 5, 1898, without the approval of the Governor.

By Mr. Enlow, of the Committee on Public Morals:

H. B. 289. An act to amend section 2569, chapter 81, of the Kentucky Statutes, known as the local option law.

By same:

H. B. 300. An act to make it unlawful to present plays in this Commonwealth.

By same:

H. B. 156. An act to prohibit baseball and football on Sunday.

By Mr. Redwine, of the Committee on Kentucky Statutes:

H. B. 216. An act dividing the State of Kentucky into one hundred Representative districts.

Together with an amendment thereto by way of substitute therefor.

By same:

H. B. 269. An act to amend section 264, Kentucky Statutes, and adding thereto a subsection called section 964a.

By same:

H. B. 200. An act to amend section 1, chapter 34, of the Acts of 1904, regulating the practice of medicine, surgery and osteopathy in this Commonwealth.

By same:

H. B. 261. An act giving to notes executed for advanements or loans on tobacco, the force and effect of a mortgage, and providing

for the acknowledgment and recording of same, and fixing the fees charged therefor.

By same:

H. B. 344. An act relating to the collection of State, county or other taxes required by law to be collected by sheriffs or other collectors of taxes.

By same:

S. B. 123. An act relating to the possession of land and interests therein where there has been or may be a severance of the mineral or other interests from the surface.

Said bills were severally read the first time at length and ordered to be placed on the calendar.

And then the House adjourned.

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FRIDAY, FEBRUARY 9, 1906.

The House opened with prayer by Rev. M. B. Adams, pastor of the Baptist church, at Frankfort, Kentucky.

The reading of the Journal of yesterday's proceedings was dispensed with and the same was approved.

Upon the call of the counties and Representative districts, the following bills were introduced, ordered to be printed and referred to the committees respectively, viz.:

By Mr. White:

H. B. 408. An act to amend and re-enact section 4313, Kentucky Statutes, Carroll Edition 1903.

Referred to Committee on Court of Appeals.

This is another road supervisor bill. Mr. White's other bill was killed in the House Thursday.

By Mr. Byland:

H. B. 409. An act providing for a license tax to operate automobiles and motor vehicles on public highways in the different counties in this State and fixing a penalty for the violation thereof.

Referred to Committee on Kentucky Statutes.

By Mr. Woodford:

H. B. 410. An act, entitled An act to amend section 1899 of chapter 53 of Kentucky Statutes.

Referred to Committee on Fish, Game and Forestry.

By Mr. Gullion:

H. B. 411. An act to amend section 3660 of Kentucky Statutes, relating to an act of July 1, 1893, pertaining to the corporate powers of towns of the sixth class.

Referred to Committee on Cities of the Fourth, Fifth and Sixth Classes.

By Mr. Hopper:

H. B. 412. An act to amend section 3714 of an act entitled "Creation and Organization of Towns."

Referred to Committee on Cities of the Fourth, Fifth and Sixth Classes.

By Mr. Klair:

H. B. 413. An act for the benefit of the Auditor to provide an attorney for his department defining his duties and fixing his compensation and repealing section 114, Carroll's Edition 1903, Kentucky Statutes.

Referred to Committee on Kentucky Statutes.

By Mr. Hanna:

H. B. 414. An act to prohibit circuit and county clerks and their deputies from writing deeds and mortgages.

Referred to Committee on Kentucky Statutes.

By same:

H. B. 415. An act providing for a reward for the arrest and conviction of persons unlawfully buying, bartering, selling or giving away county teachers' examination questions.

Referred to Committee on Education No. 1.

By Mr. Gates:

H. B. 416. An act appropriating money for the benefit of the Central Kentucky Asylum for the Insane.

Referred to Committee on Charitable Institutions.

By Mr. Drewry:

H. B. 417. An act creating the office of deputy coroner in counties having a population of 150,000 or over, and prescribing the qualifications, powers, duties and compensation thereof.

Referred to Committee on Municipalities.

By same:

H. B. 418. An act to amend article 2 of an act, entitled An act concerning animals, approved May 1, 1893, being article 2, chapter 5, of the Kentucky Statutes.

Referred to Committee on Kentucky Statutes.

By Mr. Cain:

H. B. 419. An act relating to fees of witnesses in felony cases in examining courts.

Referred to Committee on Kentucky Statutes.

By Mr. Simmons:

H. B. 420. An act to amend section 2020, Kentucky Statutes.

Referred to Committee on Judiciary.

By same:

H. B. 421. An act to amend section 2016, Kentucky Statutes.

Referred to Committee on Judiciary.

By same:

H. B. 422. An act to amend section 2021, Kentucky Statutes.

Referred to Committee on Judiciary.

By same:

H. B. 423. An act to amend section 2023 Kentucky Statutes.

Referred to Committee on Judiciary.

By Mr. Beard:

H. B. 424. An act creating the county of Beckham out of parts of Ohio, Breckinridge, Grayson and Butler.

By Mr. Gooch:

H. B. 425. An act to further regulate the revenue laws of the counties, cities and towns so as to carry into effect sections 157 and 180 of the present Constitution, and prescribing penalties for violating same.

Referred to Committee on Revenue and Taxation.

By Mr. Russell:

H. B. 426. An act to limit racing on race tracks or race courses and providing a penalty for the violation thereof.

By Mr. Dawson:

H. B. 427. An at to amend section 136 of the Kentucky Statutes.

Referred to Committee on Kentucky Statutes.

By Mr. Redwine:

H. B. 428. An act to prevent the disturbing of camp meetings, etc.

Referred to Committee on Public Morals.

By Mr. Smith:

H. B. 429. An act to provide for the establishment and maintenance in counties which contain a city of the first class of a hospital for the treatment of persons afflicted with tuberculosis.

Referred to Committee on Public Health.

By Mr. Bourne (by request):

H. B. 430. An act to amend section 3551 of Kentucky Statutes.

Referred to Committee on Kentucky Statutes.

By Mr. Young:

H. B. 431. An act to provide for the examination of banks, trust companies and building and loan associations.

Referred to Committee on Corporate Institutions.

By same:

H. B. 432. An act creating the office of official stenographer of Commonwealth, providing for his appointment and prescribing his oath, duties and compensation.

Referred to Committee on Circuit Courts.

By same:

H. B. 433. An act prohibiting circuit and county court clerks and their deputies from writing deeds and mortgages.

Referred to Committee on Criminal Law.

H. B. 434. An act to prohibit any person from engaging in or conducting the business of private banking in this Commonwealth, and to repeal all laws regulating said business.

This bill originated in the Committee on Revenue and Taxation.

Originated by Committee on Revenue and Taxation:

H. B. 435. An act relating to the assessment and taxation of the shares of stock in trust companies, State and national banks in this Commonwealth.

Originated by the Committee on State Capitol:

H. B. 436. An act to appropriate the additional sum of $250,000 for the erection and completion of the capitol and other State buildings at the seat of government now under contract and course of construction.

Mr. Gabbard offered the following resolution, viz.:

Whereas, The House of Representatives has learned of the death of Hon. J. J. C. Howard, of Clay county, who faithfully served as a member of this branch of the last General Assembly of Kentucky, and who was esteemed by that body as a man of great courage, unyielding integrity, firm in conviction, loyal to principle and devoted to right; therefore, be it

Resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, That in his death the Commonwealth was deprived of an honored and true citizen, and that this body offers its tenderest sympathy to his afflicted family and directs its clerk to forward to them an enrolled copy of this token of regard for the memory of the deceased.

Said resolution was agreed to.

The committees to which the same had been referred; reported bills of the following titles:

By Mr. Klair, of the Committee on Municipalities:

H. B. 176. An act to amend chapter 35, section 1031 of the edition of the Kentucky Statutes compiled and edited by John D. Carroll and issued in 1903.

By same:

H. B. 345. An act to amend section 20 of article 4 of an act, entitled An act for the government of cities of the second class in the Commonwealth of Kentucky.

By same:

H. B. 358. An act to amend and re-enact section 3140, Kentucky Statutes.

By same:

H. B. 364. An act to amend section 3290 of chapter 89 of Kentucky Statutes, relative to third-class cities, legislative department.

S. B. 98. An act to amend and re-enact section 3219 of the Kentucky Statutes.

By same:

H. B. 46. An act to amend and re-enact sections 1 and 8 of article 8 of an act, entitled An act for the government of cities of the second class in the Commonwealth of Kentucky, approved March, 1904, as amended by sections 1 and 2, respectively, of an act, entitled An act to amend chapter 89 of the Kentucky Statutes, entitled "Municipal Corporations," which became a law without the approval of the Governor March 29, 902, same being sections 3174 and 3181 of the Kentucky Statutes.

By Mr. Stewart, of the Committee on Cities and Towns of the Fourth, Fifth and Sixth Classes:

H. B. 153. An act to repeal an act relating to cities of the fourth class.

By same:

H. B. 154. An act to repeal an act relating to cities of the fourth class.

By same:

H. B. 311. An act to repeal the charter of Nepton, Fleming county, approved March 15, 1886.

By Mr. Paynter, of the Committee on Propositions and Grievances:

By same:

H. B. 169. An act to prevent the obstruction of navigable streams.

By same:

H. B. 400. An act to require operators of certain ferries across the Ohio river to provide waiting rooms for their passengers.

By Mr. Henry C. Miller, of the Committee on Education No. 1:

H. B. 112. An act to establish a system of State normal schools in Kentucky; to divide the Commonwealth into three normal school districts; to create a board of regents for the general management of each school, and to create a normal executive council which shall determine the requirements for admission and graduation and the course of study for all the normal schools.

With an amendment thereto by way of a substitute therefor.

By same:

H. B. 173. An act relating to boundary and taxation of graded common schools and amending section 4482 of the Kentucky Statutes.

By same:

H. B. 246. An act to amend section 4425 of the Kentucky Statutes, relative to examinations for teachers' county and State certificates and State diplomas; and amendment thereto.

By same:

H. B. 172. An act to amend and re-enact subsections 5 and 6 of section 4370, chapter 113, article 2, Kentucky Statutes.

By Mr. Thompson, of the Committee on Agriculture:

H. B. 228. An act to amend section 2721 of Kentucky Statutes, entitled "Mills."

By same:

H. B. 297. An act to make certain contracts and agreements legal and enforceable by law.

By same:

H. B. 194. An act to amend and re-enact sections 1784 and 1785, Kentucky Statutes, chapter 48, title "Fences."

By same:

H. B. 213. An act to prevent the spread of hog cholera in this State.

With an amendment thereto by way of a substitute therefor.

By same:

H. B. 99. An act to require owners of dams across certain streams in this Commonwealth to construct and maintain fish ladders or roads across said dams, and providing penalties for failure so to do.

By Mr. George S. Wilson, of the Committee on Corporate Institutions:

H. B. 236. An at to prohibit any person, corporation or company engaged in mining or manufacturing business in this State from engaging in, or being interested in, directly or indirectly, the keeping of a truck store, commissary, shop or scheme to furnish supplies, groceries, provisions, etc., to his, its or their employes, and prescribing a penalty.

By same:

H. B. 13. An act to further regulate corporations not created under the laws of this Commonwealth, which do business in the State.

By same:

S. B. 157. An act to amend section 4692 of the Kentucky Statutes, being a portion of chapter 126, title "Treasurer—State."

By Mr. James S. Morris, of the Committee on Court of Appeals.

S. B. 156. An act authorizing the court of appeals to appoint a commissioner of the court of appeals.

By Mr. Scott, of the Committee on Public Health:

H. B. 149. An act to amend section 2627 of the Kentucky Statutes, it being a portion of chapter 85 of the Kentucky Statutes, entitled "Medicine and Surgery."

By same:

H. B. 272. An act to restrict and regulate the sale of poisons and narcotics in this State.

With an amendment thereto.

By Mr. Arnett, of the Committee on Circuit Courts:

H. B. 185. An act appropriating ten thousand dollars and authorizing the Governor to appoint five commissioners for the purpose of purchasing and erecting a statue each to Henry Clay and William Goebel in the old hall of Representatives in the United States capitol building in Washington, D. C.

By same:

H. B. 372. An act to amend an act amending section 965 of Kentucky Statutes of 1903, relating to the time of holding courts in the Twelfth Judicial District.

By same:

H. B. 294. An act to amend so much of section 925, Kentucky Statutes, as relates to the holding of courts in the Second Judicial District.

By same:

H. B. 374. An act authorizing the taking of depositions in shorthand (stenographic notes) in all of the courts of this Commonwealth and regulating the fees therefor.

With an amendment thereto.

By Mr. Munnell Wilson, of the Committee on Mines and Mining:

H. B. 163. An act for the conservation and protection of oil and gas in the Commonwealth of Kentucky, and to prevent the flooding and consequent destruction of oil and gas.

By Mr. Litsey, of the Committee on Suffrage and Elections:

S. B. 124. An act to amend and re-enact sections 1546 and 1547 of the Kentucky Statutes.

By same:

S. B. 11. An act to further regulate elections and registrations in cities and towns of this Commonwealth.

By Mr. Stone, of the Committee on Education No. 2:

H. B. 402. An act to amend an act, entitled An act to establish a public school in Morganfield, in Union county, Kentucky, approved April 19, 1886.

By Mr. McCarty, of the Committee on Printing:

H. B. 309. An act to amend section 3638 of the Kentucky Statutes.

By same:

H. B. 167. An act to amend section 3700 of the Kentucky Stat-

utes so as to provide for the publication of ordinances of sixth-class towns.

By same:

An act to amend section 3487 of the Kentucky Statutes.

By same:

H. B. 188. An act to amend section 4203 of the Kentucky Statutes so as to provide for the publication of applications for license to sell spirituous, vinous and malt liquors.

By same:

H. B. 243. An act to amend section 4143, Kentucky Statutes, by requiring sheriffs and tax collectors to advertise time taxes become due, and penalties imposed for non-payment.

By Mr. Best, of the Committee on Commerce and Manufacturing:

H. B. 321. An act relating to the sale of compounded, rectified, adulterated or blended distilled spirits, known and designated as single-stamped spirits and providing penalties for violation of its provisions.

By same:

H. B. 320. An act relating to revenue and taxation, providing for license taxes on compounded, rectified, adulterated or blended distilled spirits, known and stamped as single-stamped spirits, and providing penalties for violation of its provisions.

By Mr. R. W. Miller, of the Committee on Codes of Practice:

H. B. 204. An act relating to the evidence and damages in actions for libel.

By Mr. Embry, of the Committee on Fish, Game and Forestry:

H. B. 158. An act to amend and re-enact chapter 57, section 1941 of the Kentucky Statutes, protecting wild, geese, teal and wild duck.

By same:

H. B. 267. An act for the protection of English, ring-neck, Mongolian and Chinese pheasants.

By Mr. R. W. Miller, of the Committee on Geological Survey:

S. B. 61. An act providing for the continuation of the geological, topographical and agricultural survey of the State of Kentucky, and for the continuation of topographical surveys in co-operation with the United States Geological Survey.

By Mr. Mulcahy, of the Committee on Public Monuments and Historical Records:

H. B. 249. An act for the benefit of the Kentucky Historical Society, appropriating annually $5,000 therefor, and providing for postage and stationery supplies for the society, and providing for the publication of The Register magazine of the society.

Said bills were severally read the first time at length and ordered to be placed on the calendar.

Mr. Nall, of the Committee on Enrollments, reported that they had examined and found correctly enrolled a joint resolution of the following title, viz.:

S. Res. 2. Resolution providing for the payment of the expenses of the Revenue Commission and its secretary.

Thereupon all other business was suspended, and said joint resolution was read at length and examined in open session. And being found correctly enrolled, the Speaker, in open session, in presence of the House, affixed his signature thereto.

Ordered, that the enrolling clerk deliver same to the Senate.

Mr. Klair moved that when this House adjourn to-day it be to meet on Monday next, the 12th inst., at 12 o'clock m.

Said motion was agreed to.

Mr. Klair moved that the session to-day be extended until the call of committees is completed and the calendar is called.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed bills which originated in the House of the following titles, viz.:

H. B. 113. An act creating the Thirty-second Judicial District of Kentucky, fixing the time of holding courts thereof, providing for the election of a circuit judge and Commonwealth's attorney, and changing the Nineteenth and Twentieth Judicial Districts of Kentucky so as to provide for said Thirty-second District and fixing the time of holding the courts in said Nineteenth and Twentieth Districts.

H. B. 95. An act to create the Thirty-third Judicial District of Kentucky and to change the Twenty-sixth, Twenty-seventh and Twenty-eighth Circuit Court Judicial Districts of Kentucky, and to provide for holding of courts in the said Twenty-sixth, Twenty-seventh, Twenty-eighth and Thirty-third Districts; and to provide for judges and Commonwealth's attorneys for same.

That they had passed bills of the following titles, viz.:

(1) S. B. 113. An act to amend section 822, subdivision 3 of article 5, chapter 32, entitled "Corporations," of the Kentucky Statutes.

(2) S. B. 121. An act for the prohibition of steel-trap setting.

Said bills were ordered to be printed, and were by the Speaker referred, the first to the Committee on Judiciary, and the second to the Committee on Kentucky Statutes.

Mr. Henry C. Miller, of the Committee on Education No. 1, to which the same had been re-committed, reported a bill entitled

H. B. 302. An act to repeal section 6 of the charter of the Corinth Academy.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 6 of an act entitled An act to establish an institution of learning in the town of Corinth, in Grant county, Kentucky, to be known as the Corinth Academy, approved April 9, 1878, which said section is in words and phrases and clauses as follows, to wit: "That the common school of Corinth district, and part of District No. 23, in Grant county, which desire to be attached to said Corinth district, shall be taught in said academy, subject to the regulations of said board and the common school laws; and said board of trustees shall be entitled to receive the common school fund to which said district may be entitled, and shall be subject to the same penalties for neglect of duty and malfeasance in office during the term the common school is taught, as trustees of common schools are, except removal from office," be, and the same is hereby, repealed.

§ 2. Whereas, The public school interests in the Corinth district demand that this repeal should become operative at once, therefore, an emergency is declared to exist, and this act shall take effect from its passage and approval.

Ordered, that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and same being engrossed, said bill was read the third time by its title, and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | Taylor P. Gabbard, | J. M. Robertson, |
| John Barr, | Lloyd W. Gates, | Richard S. Rose, |
| E. Barry, | W. J. Gooch, | J. T. Royalty, |
| Charles C. Beard, | A. J. Gorham, | S. M. Russell, |
| B. O. Becker, | John C. Griffith, | J. T. Scott, |
| Peter Best, Jr., | Paul Gullion, | Ed. H. Shellman, |
| Roger P. Blair, | James A. Hagan, | R. C. Simmons, |
| Joe F. Bosworth, | W. C. Halbert, | Emmet P. Slattery, |
| H. Kirby Bourne, | J. A. Hamon, | W. W. Smith, |
| J. C. Byland, | C. W. G. Hannah, | W. H. Southall, |
| W. T. Cain, | D. C. Hopper, | Hub L. Stevens, |
| M. F. Campbell, | W. J. Jackson, | John A. Stevens, |
| Bennett Clarke, | L. F. Johnson, | Zeb. A. Stewart, |
| W. D. Claybrooke, | W. H. Jones, | George W. Stone, |
| Sam. D. Cochran, | Geo. D. Litsey, | A. J. Thompson, |
| H. K. Cole, | H. M. McCarty, | C. F. Thornton, |
| W. H. Cole, | M. H. McLean, | Harry Weitkamp, |
| Henry M. Cox, | Henry C. Miller, | T. A. Weldon, |
| Ed. Croan, | J. M. Mitchell, | W. T. White, |
| Charles I. Dawson, | James S. Morris, | Geo. S. Wilson, |
| A. L. Denny, | Ed. Mulcahy, | Munnell Wilson, |
| Thomas Drewry, | Ion B. Nall, | Wm. Wilt, |
| W. Reed Embry, | W. J. Osborne, | J. Hal Woodford, |
| Robert Enlow, | Henry G. Overstreet, | James G. Yaden—74. |
| J. A. Frazier, | C. M. Paynter, | |

Those who voted in the negative were—

N. B. Chipman,

Resolved, That the title of said bill be as aforesaid.

Mr. Arnett moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

Mr. Shellman, of the Committee on Appropriations, to which the

same had been re-committed with leave to report at any time, reported a bill, entitled

S. B. 9. An act for the benefit of the Eastern Kentucky Asylum for the Insane, at Lexington.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby appropriated out of the general revenue of the State for the benefit of the Eastern Kentucky Asylum for the Insane, at Lexington, to be expended by the board of commissioners thereof, as hereinafter set forth, the following-named sum for the specific purpose of construction and equipment of the same herein named, and set forth as follows, to-wit, for laundry building, and equipment of same, $12,500.

§ 2. The money hereby appropriated shall be drawn on drafts of the board of commissioners of said institution, and upon such draft or drafts, not exceeding in the aggregate the sum aforesaid, being made upon him, the Auditor of Public Accounts shall draw his warrant or warrants upon the Treasurer of this State in favor of the treasurer of said asylum for any sum or sums of money not exceeding the amount hereby appropriated to said institution, but no part of such money shall be drawn from the treasurer of said institution except in payments for work and improvements mentioned in section 1 of this act.

§ 3. The president of the board of commissioners shall advertise for bids for furnishing all labor and materials of every kind and description necessary for the construction, erection and completion of the buildings, the making of the improvements and repairs mentioned in section 1, except such labor and materials, if any, as may be furnished by the employes or patients of said institution; and all such bids shall be opened in the presence of the board of commissioners, and it shall be the duty of the latter to except such bid or

bids as it may deem the lowest and best; and if, in its judgment, all or any of such bids shall be unsatisfactory, said board of commissioners may reject any and all such bids, and readvertise for others in the same manner, and so on until it shall be satisfied to accept bids and tenders; and when contracts for the erection of said building and its equipment, the furnishing of labor and materials and the doing of the work and making the said repairs and improvements shall have been in accord with said bids made and entered into, the board of commissioners shall retain from the contract price thereof amount sufficient to secure the faithful and complete performance of any and all such contracts, and shall not pay the money so retained, nor any part thereof, until such contract shall have been fully and faithfully performed, and the work accepted and approved by the board of commissioners.

§ 4. The board of commissioners of said institution shall not pay, or cause to be paid, any part of the money appropriated by this act to any contractor, or other person or persons, employed in the construction, erection or furnishing material for the erection, work and repairs authorized by this act until such contractor or contractors, or other persons aforesaid, shall deliver to said board, or its president thereof, an itemized statement and account of all material so furnished or labor performed, for which payment may be requested or demanded, which said itemized statement or account shall be approved and endorsed by the architect or superintendent employed by said board of commissioners and verified by the oath of such contractor, or other person or persons presenting such accounts for payment; and if such account is found to be just and correct, and is approved by the board, the secretary of the board of commissioners shall note the said facts in the form of a certificate on or appended to such itemized account, and the same shall be paid as other accounts or bills or claims against said institution are paid, by order of the board of commissioners thereof, but the money hereby appropriated shall be kept separate and apart from the other funds of the institution, and all accounts and expendi-

tures thereof shall be kept and stated, and accounted for in separate and distinct statements and accounts of disbursements.

§ 5. The board of commissioners shall, within three months after the completion of the buildings and improvements provided for in the first section hereof, make an itemized statement showing each and every item of expenditure made by said board under the provisions of this act, verified by the oath of the president of the board, which statement shall be filed with the Auditor of Public Accounts, accounting for all money appropriated by this act to said institution, and upon such settlement and statement said board of commissioners shall pay back into the Treasury any unexpended balance made to said institution which may remain in the hands of said institution.

§ 6. Because of the urgent need of the buildings and improvements herein contemplated, an emergency is declared to exist, and this act shall take effect from and after its approval by the Governor.

Ordered, that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and the same being engrossed, said bill was read the third time by its title, and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | H. H. Griffin, | J. M. Robertson, |
| John Barr, | John C. Griffith, | Richard S. Rose, |
| E. Barry, | B. P. Grigsby, Sr., | J. T. Royalty, |
| B. O. Becker, | Paul Gullion, | S. M. Russell, |
| Peter Best, Jr., | James A. Hagan, | J. T. Scott, |
| Roger P. Blair, | W. C. Halbert, | Ed. H. Shellman, |
| H. Kirby Bourne, | C. W. G. Hannah, | R. C. Simmons, |

W. T. Cain,
M. F. Campbell,
Bennett Clarke,
Sam. D. Cochran,
H. K. Cole,
W. H. Cole,
Ed. Croan,
Charles I. Dawson,
A. L. Denny,
Thomas Drewry,
J. A. Frazier,
Taylor P. Gabbard,
Lloyd W. Gates,
W. J. Gooch,
A. J. Gorham,
L. P. Head,
D. C. Hopper,
W. J. Jackson,
L. F. Johnson,
Wm. F. Klair,
Geo. D. Litsey,
H. M. McCarty,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
J. M. Mitchell,
James S. Morris,
Ed. Mulcahy,
Henry G. Overstreet,
M. M. Redwine,
Emmet P. Slattery,
W. W. Smith,
W. H. Southall,
Hub L. Stevens,
John A. Stevens,
George W. Stone,
D. P. Taggart,
Harry Weitkamp,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
Munnell Wilson,
J. Hal Woodford,
J. A. Yates—65.

Those who voted in the negative were—

Zeb. A. Stewart,

Resolved, That the title of said bill be as aforesaid.

The Committee to which the same had been referred, reported bills of the following titles, viz.:

By Mr. Litsey, of the Committee on Suffrage and Elections:

H. B. 288. An act to secure to women the right to vote at special elections held to determine whether the sale of intoxicating liquors as a beverage shall be prohibited.

By same:

H. B. 183. An act to furnish publicity of money or other things of value expended in primary and general elections and political conventions.

By Mr. Embry, of the Committee on Fish, Game and Forestry:

H. B. 22. An act to amend section 1 of chapter 107 of the Acts of 1904.

By same:

H. B. 24. An act to repeal an act approved March 18, 1904, amending an act which became a law February 27, 1904.

By same:

H. B. 25. An act to repeal section 1947 of the Kentucky Statutes.

By same:

H. B. 28. An act to repeal section 1944 of the Kentucky Statutes.

By same:

H. B. 59. An act to prevent bird-dogs from running at large.

By Mr. Mulcahy, of the Committee on Public Monuments and Historical Records:

H. B. 293. An act to provide a monument upon the battlefield of Sholoh.

With an expression of opinion that said bills ought not to pass.

The question being severally taken on ordering said bills to a reading, the opinion of the committees to the contrary notwithstanding, it was severally decided in the negative.

And so said bills were rejected.

Mr. Thompson, of the Committee on Agriculture, reported a bill entitled

H. B. 136. An act for the benefit of the growers and sellers of tobacco.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. All persons or corporations receiving in this Commonwealth leaf tobacco for storage and sale at public aution for which they charge commission or fees for their services are declared public warehousemen.

§ 2. That hereafter warehousemen storing and selling leaf tobacco in this State shall carefully weigh or cause to be weighed every hogshead, box or bale of tobacco which may be sent to such warehouseman for storage or sale on the day the same is to be sold, they shall mark or cause to be marked the gross weight distinctly on the head of each hogshead, box or bale, and on each sample card and enter the same in the sample book; and after the tobacco is stripped of its cask they shall take the exact tare weight of each cask in which the tobacco has been prized and after each hogshead, box or bale of tobacco has been sold the proprietor shall settle with the seller according to the net weight including the sample after deducting the exact tare weight.

§ 3. If any person or persons or corporation shall make a false or fraudulent weight of such tobacco or shall purposely alter or mutilate any sample before the hogshead, box or bale it represents has been sold, or alter the weight marked thereon, or record other weight on the warehouse books, than the weights marked thereon, such person or persons shall be deemed guilty of a misdemeanor and fined in any sum of not less than twenty-five ($25) dollars nor more than one hundred ($100) dollars, in the discretion of the court or jury trying the case and in addition shall be liable to the party aggrieved in damages for any and all losses they may have sustained.

§ 4. That hereafter warehousemen and commission merchants engaged in selling leaf tobacco at public auction shall receive compensation therefor one dollar and fifty cents ($1.50) per hogshead from the owner thereof or his agent.

§ 5. That in the event the sale of any hogshead of tobacco is rejected and a re-sale is made by the same warehousemen or in the same warehouse, he or they shall receive one dollar and fifty cents per hogshead as fees or compensation for each re-sale and no addi-

tional charge shall be made for weighing nor device resorted to so as to increase the price for selling to greater amount than is in this act provided.

§ 6. That it shall be unlawful for any warehouseman or commission merchant directly or indirectly to charge the seller or owner commission for paying him his money for which his tobacco sold, and each proprietor must pay for the net weight of each hogshead and not deduct the sample therefrom.

§ 7. It shall be unlawful for any warehouseman to charge a greater amount than prescribed in the preceding section for the selling of tobacco and the proprietor of any house or warehouse shall for the violation of any of the preceding sections be guilty of a misdemeanor and be fined not less than twenty-five dollars ($25), nor more than one hundred dollars ($100), and every violation of the foregoing section shall constitute a separate offense.

§ 8. There shall be appointed four inspectors who shall hold their office for four years and shall receive fifteen cents for each hogshead inspected and said fees to be paid by the proprietors of said warehouse companies and each company to pay for the hogshead inspected at its house.

§ 9. All warehouse companies doing business in any county of this State to elect two inspectors and the buyer in the warehouse in any county to elect the other two said inspectors to give bond for the faithful performance of their duty. The said inspectors are public servants. Two of these inspectors must be farmers and have been engaged in the raising of tobacco for five years before they are elected. It shall be the duty of these inspectors to inspect all the tobacco offered for public sale, at any and all tobacco warehouses in the county wherein they have been appointed to inspect tobacco and have no recourse on the seller or owner of tobacco sold by them for reclamation.

§ 10. That it shall be deemed a misdemeanor for any grower or dealer to falsely pack any tobacco put on the market at public auction, subjecting the offender to a fine of not less than $10 nor more

than $25 for each offense, recoverable before any magistrate of the county where such offender resides.

With the expression of opinion that said bill ought not to pass.

The question being taken on ordering said bill to a reading, the opinion of the committee to the contrary notwithstanding, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Mulcahy and Hamon, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | W. J. Gooch, | C. M. Paynter, |
| John Barr, | A. J. Gorham, | M. M. Redwine, |
| E. Barry, | H. H. Griffin, | J. M. Robertson, |
| W. G. Baxter, | John C. Griffith, | J. T. Royalty, |
| Charles C. Beard, | B. P. Grigsby, Sr., | Ed. H. Shellman, |
| Roger P. Blair, | James A. Hagan, | R. C. Simmons, |
| Joe F. Bosworth, | J. A. Hamon, | W. W. Smith, |
| H. Kirby Bourne, | C. W. G. Hannah, | W. H. Southall, |
| J. C. Byland, | L. P. Head, | John A. Stevens, |
| W. T. Cain, | D. C. Hopper, | Zeb. A. Stewart, |
| M. F. Campbell, | W. J. Jackson, | George W. Stone, |
| Bennett Clarke, | Geo. D. Litsey, | D. P. Taggart, |
| Sam. D. Cochran, | H. M. McCarty, | C. F. Thornton, |
| W. H. Cole, | Henry C. Miller, | Harry Weitkamp, |
| Charles I. Dawson, | R. W. Miller, | John B. Wicker, |
| A. L. Denny, | J. M. Mitchell, | Geo. S. Wilson, |
| W. Reed Embry, | James S. Morris, | Munnell Wilson, |
| J. A. Frazier, | Ed. Mulcahy, | J. Hal Woodford, |
| M. T. Freeman, | W. J. Osborne, | W. T. Wright, |
| Taylor P. Gabbard, | Henry G. Overstreet, | J. A. Yates—60. |

Those who voted in the negative were—

| | | |
|---|---|---|
| B. O. Becker, | W. H. Jones, | Emmet P. Slattery, |
| N. B. Chipman, | Wm. F. Klair, | Hub L. Stevens, |
| H. K. Cole, | Ion B. Nall, | A. J. Thompson, |
| Ed. Croan, | John R. Ray, | W. T. White, |

| | | |
|---|---|---|
| Robert Enlow, | Richard S. Rose, | Wm. Wilt, |
| Paul Gullion, | S. M. Russell, | James C. Yaden—20. |
| W. C. Halbert, | J. T. Scott, | |

Said bill was read the first time at length and ordered to be placed on the calendar.

The committees which had originated same reported bills of the following titles, viz.:

By Mr. Gooch, of the Committee on Revenue and Taxation:

H. B. 434. An act to prohibit any person from engaging in or conducting the business of private banking in this Commonwealth, and to repeal all laws regulating said business.

By same:

H. B. 435. An act relating to the assessment and taxation of the shares of stock in trust companies, State and national banks in this Commonwealth.

By Mr. Russell, of the Committee on State Capitol:

H. B. 436. An act to appropriate the additional sum of two hundred and fifty thousand dollars ($250,000) for the erection and completion of the capitol and other State buildings at the seat of government, now under contract and course of construction.

Said bills were severally read the first time at length and ordered to be printed and placed on the calendar.

The House took up for consideration from the calendar bills of the following titles, viz.:

S. B. 26. An act to appropriate funds for the improvement of the Western Kentucky Asylum for the Insane, at Hopkinsville, Kentucky.

H. B. 229. An act appropriating the sum of $22,000 for a brick building for a workshop at Frankfort, Kentucky.

H. B. 230. An act to appropriate $7,000 for the installation of a dust collecting and cleaning system in the workshop at the State penitentiary at Frankfort, Kentucky.

H. B. 231. An act to appropriate money for the erection of a new hospital with suitable tuberculosis wards, operating rooms and other necessary equipments of the State penitentiary at Frankfort, Kentucky, and for the equipemnt of the present hospital as a chapel.

H. B. 232. An act to appropriate $5,000 for the erection and equipment of a tuberculosis hospital at the branch penitentiary at Eddyville, Kentucky.

Ordered, that said bills be read the second time.

The provision of the Constitution as to the second reading of said bills at length being dispensed with, said bills were severally read the second time by their titles.

Ordered, that said bills be re-committed to the Committee on Appropriations.

The House also took up for consideration from the calendar bills of the following titles, viz.:

H. B. 383. An act to further regulate the common schools of the State, provide for the election of a county board of education, defining their powers and appointment of official school visitors.

H. B. 247. An act to provide for the punishment of persons responsible for, or directly promoting or contributing to, the conditions that render a child dependent, neglected or delinquent.

H. B. 325. An act to regulate the liability of employers to employes for injuries sustained by such employes while in the performance of their duty to their employers.

H. B. 334. An act to amend an act, entitled An act to create a board of penitentiary commissioners and regulate the penal institutions of this Commonwealth, which became a law March 5, 1898, without the approval of the Governor.

H. B. 289. An act to amend section 2569, chapter 81, of the Kentucky Statutes, known as the local option law.

H. B. 300. An act to make it unlawful to present plays in this Commonwealth.

H. B. 156. An act to prohibit baseball and football on Sunday.

H. B. 216. An act dividing the State of Kentucky into one hundred Representative districts.

H. B. 269. An act to amend section 964, Kentucky Statutes.

H. B. 200. An act to amend section 1, chapter 34, of the Acts of 1904, regulating the practice of medicine, surgery and osteopathy in this Commonwealth.

H. B. 261. An act giving to notes executed for advancement or loans on tobacco the force and effect of a mortgage, and providing for the acknowledgment and recording of same, and fixing the fees charged therefor.

H. B. 344. An act relating to the collection of State, county or other taxes required by law to be collected by sheriffs or other collectors of taxes.

S. B. 123. An act relating to the possession of land and interest therein, where there has been or may be a severance of the mineral or other interests from the surface.

Ordered, that said bills be severally read the second time.

The provision of the Constitution as to the second reading of said bills at length being dispensed with, said bills were severally read the second time by their titles.

Ordered, that said bills be placed in the orders of the day.

And then the House adjourned until Monday next at 12 o'clock m.

MONDAY, FEBRUARY 12, 1906.

The House opened with prayer by Rev. E. M. Crowe, of the Presbyterian church of the Southern Assembly.

The reading of the Journal of Friday's proceedings was dispensed with and the same was approved.

The House took up for consideration from the orders of the day a bill, entitled

H. B. 69. An act to provide for the publication of the receipts and expenditures of sixth-class towns.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of trustees of all towns of the sixth class shall, during the month of January in each year, publish in one issue of a weekly or daily paper published in and having a general circulation in the county in which the town is situated a statement showing the amount of money received by the town during the preceding year and the source from which it was derived and from whom, and the amount of money expended by and for the town during the preceding year, and to whom paid and for what service.

§ 2. The trustees and each of them of any town that fails or refuses to comply with the provisions of section one of this act shall be fined twenty-five dollars for each offense, the penalty to be recovered by indictment in the circuit court or by warrant in an inferior court.

Mr. Bourne offered an amendment to said bill by way of substitute therefor.

Said substitute is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of trustees of all towns of the sixth class shall, during the month of January in each year, publish in one issue of a weekly or daily paper published in and having a general circulation in the county in which the town is situated, a statement showing the amount of money received by the town during the preceding year and the source from which it was derived and from whom, and the amount of money expended by and for the town during the preceding year, and to whom paid and for what service. Provided, That this act shall not apply to towns whose annual revenue does not amount to at least two hundred and fifty dollars.

§ 2. The trustees, and each of them, of any town that fails or refuses to comply with the provisions of section one of this act shall be fined twenty-five dollars for each offense, the penalty to be recovered by indictment in the circuit court or by warrant in an inferior court.

Mr. McLean offered the following amendment to said substitute, viz.:

Strike out the word "shall" in the second line of the bill and insert in lieu thereof the word "may."

Mr. Simmons moved that said bill and amendments be re-committed to the Committee on Cities and Towns of the Fourth, Fifth and Sixth Classes.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Alverson and Bourne, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | C. W. G. Hannah, | D. P. Taggart, |
| John Barr, | D. C. Hopper, | C. F. Thornton, |
| J. C. Byland, | M. H. McLean, | Harry Weitkamp, |
| N. B. Chipman, | Richard S. Rose, | J. T. Wilson, |

| | | |
|---|---|---|
| Henry M. Cox, | R. C. Simmons, | J. Hal Woodford, |
| Lawrence J. Diskin, | W. W. Smith, | James C. Yaden, |
| Robert Enlow, | Zeb. A. Stewart, | J. A. Yates—22. |
| H. H. Griffin, | | |

Those who voted in the negative were—

| | | |
|---|---|---|
| J. M. Alverson, | W. J. Gooch, | W. J. Osborne, |
| E. Barry, | A. J. Gorham, | Henry G. Overstreet, |
| W. G. Baxter, | John C. Griffith, | C. M. Paynter, |
| Charles C. Beard, | Paul Gullion, | John R. Ray, |
| B. O. Becker, | W. C. Halbert, | J. M. Robertson, |
| Joe F. Bosworth, | J. A. Hamon, | J. T. Royalty, |
| H. Kirby Bourne, | L. P. Head, | Emmet P. Slattery, |
| W. T. Cain, | W. J. Jackson, | W. H. Southall, |
| M. F. Campbell, | L. F. Johnson, | Hub L. Stevens, |
| Bennett Clarke, | W. H. Jones, | John A. Stevens, |
| W. D. Claybrooke, | Wm. F. Klair, | George W. Stone, |
| W. H. Cole, | Geo. D. Litsey, | T. A. Weldon, |
| Ed. Croan, | H. M. McCarty, | W. T. White, |
| Charles I. Dawson, | Virgil McKnight, | John B. Wicker, |
| A. L. Denny, | Henry C. Miller, | Geo. S. Wilson, |
| W. Reed Embry, | R. W. Miller, | Munnell Wilson, |
| M. T. Freeman, | James S. Morris, | Wm. Wilt, |
| Taylor P. Gabbard, | Ed. Mulcahy, | Will A. Young—74. |

The amendment offered by Mr. McLean to the above-named substitute was disagreed to.

The above-named substitute as offered by Mr. Bourne for said bill was then agreed to.

Ordered, that said bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and said bill being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | W. J. Gooch, | W. J. Osborne, |
| Louis W. Arnett, | A. J. Gorham, | Henry G. Overstreet, |
| E. Barry, | H. H. Griffin, | C. M. Paynter, |
| Charles C. Beard, | John C. Griffith, | John R. Ray, |
| B. O. Becker, | Paul Gullion, | J. M. Robertson, |
| Joe F. Bosworth, | W. C. Halbert, | J. T. Royalty, |
| H. Kirby Bourne, | C. W. G. Hannah, | Emmet P. Slattery, |
| W. T. Cain, | L. P. Head, | W. H. Southall, |
| M. F. Campbell, | W. J. Jackson, | Hub L. Stevens, |
| Bennett Clarke, | L. F. Johnson, | John A. Stevens, |
| W. D. Claybrooke, | W. H. Jones, | George W. Stone, |
| Sam. D. Cochran, | Wm. F. Klair, | D. P. Taggart, |
| W. H. Cole, | Geo. D. Litsey, | W. T. White, |
| Henry M. Cox, | H. M. McCarty, | John B. Wicker, |
| Charles I. Dawson, | Virgil McKnight, | Geo. S. Wilson, |
| A. L. Denny, | Henry C. Miller, | J. T. Wilson, |
| Lawrence J. Diskin, | R. W. Miller, | Munnell Wilson, |
| W. Reed Embry, | J. M. Mitchell, | Wm. Wilt, |
| Robert Enlow, | Ed. Mulcahy, | Will A. Young—59. |
| Taylor P. Gabbard, | Ion B. Nall, | |

Those who voted in the negative were—

| | | |
|---|---|---|
| John Barr, | M. H. McLean, | C. F. Thornton, |
| W. G. Baxter, | James S. Morris, | Harry Weitkamp, |
| N. B. Chipman, | Richard S. Rose, | T. A. Weldon, |
| M. T. Freeman, | R. C. Simmons, | J. Hal Woodford, |
| J. A. Hamon, | W. W. Smith, | James C. Yaden, |
| D. C. Hopper, | Zeb. A. Stewart, | J. A. Yates—18. |

Resolved, That the title thereof be as aforesaid.

Mr. Bourne moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Klair moved that a committee be appointed to notify the Senate that the House was now ready to receive them in joint session to carry out the joint order of the day.

Said motion was agreed to.

Thereupon the Speaker appointed Messrs. Klair, Freeman and Henry C. Miller as said committee.

After a time Mr. Klair reported that said committee had discharged that duty.

At 12:45 o'clock p. m. the Senate, in order, entered upon the floor of the House of Representatives for the purpose of carrying out the joint order of the day, to-wit:

Memorial exercises in commemoration and celebration of the anniversary of the birth of Abraham Lincoln.

The Hon. William P. Thorne, Lieutenant Governor and President of the Senate, took his seat on the right of the Speaker of the House and presided.

The joint assembly was called to order.

After appropriate and very instructive addresses by Hon. J. P. Hobson, Chief Justice of the Court of Appeals, Professor H. K. Taylor, of the city of Louisville, Senator Benjamin Sewell and Lieutenant Governor William P. Thorne

Senator Campbell moved that the joint assembly do now dissolve.

Said motion was agreed to.

The Senate retired to its chamber.

The Speaker resumed the chair and called the House to order.

And then the House adjourned.

TUESDAY, FEBRUARY 13, 1906.

The House opened with prayer by the Rev. E. M. Crowe, of the Presbyterian church, Southern Assembly.

The Speaker, Hon. Henry R. Lawrence, being unavoidably absent, designated Hon. W. J. Gooch to act in his stead and preside as Speaker pro tem.

The reading of the Journal of yesterday's proceedings was dispensed with and the same was approved.

Upon the call of the counties and representative districts, bills of the following titles were introduced, ordered to be printed and referred to the committees, respectively, as follows, viz.:

By Mr. Diskin:

H. B. 437. An act providing a penalty for using a hall, theater, etc., without a certificate or to obstruct the aisles, etc.

Referred to Committee on Kentucky Statutes.

By Mr. Cole:

H. B. 438. An act exempting the Commonwealth and municipalities from executing bonds for costs in certain cases.

Referred to Committee on Judiciary.

By same:

H. B. 439. An act to amend chapter 58 of Kentucky Statutes relative to gaming.

Referred to Committee on Judiciary.

By same:

H. B. 440. An act to amend section 14a of chapter 2 of Kentucky Statutes.

Referred to Committee on Judiciary.

By Mr. Cole:

H. B. 441. An act to amend section 3264, Kentucky Statutes, relative to charters of cities of the third class.

Referred to Committee on Municipalities.

By same:

H. B. 442. An act to prevent double taxation of persons and property in certain municipalities in this Commonwealth.

Referred to Committee on Municipalities.

By same:

H. B. 443. An act to amend chapter 3295, Kentucky Statutes, relative to charters of cities of the third class.

Referred to Committee on Municipalities.

By Mr. Klair:

H. B. 444. An act to amend section 364 of Kentucky Statutes.

Referred to Committee on Judiciary.

By Mr. H. C. Miller:

H. B. 445. An act to amend and re-enact section 3629 of Kentucky Statutes, the same being a part of the charter of cities of the fifth class, to authorize cities of the fifth class by their council to appoint one policeman in addition to the regular marshal and to fix his salary.

Referred to Committee on Cities of the Fourth, Fifth and Sixth Classes.

By Mr. Enlow:

H. B. 446. An act to appropriate $2,500 to assist in erecting a tablet in Larue county to the memory of Abraham Lincoln.

Referred to Committee on Public Monuments and Historical Records.

By same:

H. B. 447. An act to regulate the running of motor vehicles in this Commonwealth.

Referred to Committee on Kentucky Statutes.

By Mr. Halbert:

H. B. 448. An act relating to rates of passenger fare on steam railroads, etc.

Referred to Committee on Railroads.

By Mr. Dawson:

H. B. 449. An act to amend an act relating to and providing for a court of appeals.

Referred to Committee on Court of Appeals.

By Mr. R. W. Miller:

H. B. 450. An act to amend section 212a of Kentucky Statutes relative to banks and trust companies and to re-enact the same as amended.

Referred to Committee on Judiciary.

By same:

H. B. 451. An act to amend an act regulating the keeping open of a bar-room for the sale of spirituous, vinous and malt liquors.

Referred to Committee on Public Morals.

By Mr. Barr:

H. B. 452. An act to amend section 4313, Kentucky Statutes, with reference to appointment of supervisors of county roads by adding section 4313a thereto.

Referred to Committee on County and City Courts.

By Mr. McKnight:

H. B. 453. An act to amend section 418a of chapter 23a, Kentucky Statutes, relating to congressional districts.

Referred to Committee on Circuit Courts.

By Mr. Royalty:

H. B. 454. An act relating to the furnishing of cars to shippers and to the transportation of freight and other common carriers.

Referred to Committee on Judiciary.

By Mr. Yates:

H. B. 455. An act to protect the public school buildings.

Referred to Committee on Education No. 1.

By Mr. Thornton:

H. B. 456. An act to amend section 820a of the Kentucky Statutes, relating to railroads.

Referred to Committee on Railroads.

By Mr. Russell:

H. B. 457. An act to divide the State of Kentucky into one hundred Representative districts.

Referred to Committee on Redistricting.

By Mr. Mueller:

H. B. 458. An act in relation to the control, management and operation of waterworks in cities of the first class.

Referred to Committee on Municipalities.

By Mr. Dawson:

H. B. 459. An act to amend section 418a, chapter 23a, of Kentucky Statutes.

Referred to Committee on Kentucky Statutes.

Mr. Barry offered the following resolution, viz.:

Resolved, That whereas it is the opinion of the chairman and part of the members of the special committee appointed by the Speaker under a resolution adopted by this body on the first day of February, 1906, that it will greatly facilitate the business of said committee by adding thereto four other members of this house, that the names of R. W. Miller, Virgil McKnight, John A. Stephens and B. O. Becker be, and are, hereby added to, and made a part of, said committee, which will make the complete committee as follows, viz.: E. Barry, W. J. Gooch, H. L. Stephens, M. M. Redwine, J. M. Mitchell, R. W. Miller, Virgil McKnight, John A. Stephens and B. O. Becker.

Mr. Drewry moved to refer said resolution to the Committee on Rules.

Said motion was disagreed to.

Mr. Drewry offered the following amendment to said resolution, viz.:

Amend by striking out the names in the resolution and insert in lieu thereof that the Speaker appoint eleven additional members, one from each Congressional district.

Mr. James S. Morris offered the following amendment by way of substitute for the amendment offered by Mr. Drewry, viz.:

Amend by providing that the Speaker appoint four members in addition to the committee first appointed and that the appointments be so made that all parts of the State be represented.

Said substitute amendment was agreed to.

The yeas and nays being required thereon by Messrs. Barry and Drewry, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | W. J. Gooch, | S. M. Russell, |
| Louis W. Arnett, | A. J. Gorham, | Ed. H. Shellman, |
| John Barr, | B. P. Grigsby, Sr., | R. C. Simmons, |
| W. G. Baxter, | Paul Gullion, | Emmet P. Slattery, |
| Peter Best, Jr., | J. A. Hamon, | W. W. Smith, |
| Roger P. Blair, | C. W. G. Hannah, | W. H. Southall, |
| J. W. Clay, | L. P. Head, | Hub L. Stevens, |
| W. D. Claybrooke, | L. F. Johnson, | George W. Stone, |
| Sam. D. Cochran, | Geo. D. Litsey, | C. C. Terry, |
| H. K. Cole, | H. M. McCarty, | A. J. Thompson, |
| Henry M. Cox, | M. H. McLean, | C. F. Thornton, |
| Ed. Croan, | Henry C. Miller, | T. A. Weldon, |
| Henry W. Curle, | Chris Mueller, | John B. Wicker, |
| Charles I. Dawson, | J. M. Mitchell, | Geo. S. Wilson, |
| Lawrence J. Diskin, | James S. Morris, | J. T. Wilson, |
| Thomas Drewry, | Ed. Mulcahy, | Munnell Wilson, |
| W. Reed Embry, | Ion B. Nall, | W. T. Wright, |
| Lloyd W. Gates, | J. M. Robertson, | Will A. Young—54. |

Those who voted in the negative were—

| | | |
|---|---|---|
| E. Barry, | M. T. Freeman, | C. M. Paynter, |
| Charles C. Beard, | Taylor P. Gabbard, | John R. Ray, |
| B. O. Becker, | H. H. Griffin, | Richard S. Rose, |
| Joe F. Bosworth, | John C. Griffith, | J. T. Royalty, |
| H. Kirby Bourne, | W. C. Halbert, | John A. Stevens, |
| W. T. Cain, | Albert Hamilton, | Zeb. A. Stewart, |
| M. F. Campbell, | D. C. Hopper, | D. P. Taggart, |
| N. B. Chipman, | W. J. Jackson, | Harry Weitkamp, |
| Bennett Clarke, | W. H. Jones, | W. T. White, |
| W. H. Cole, | Virgil McKnight, | Wm. Wilt, |
| A. L. Denny, | R. W. Miller, | J. Hal Woodford, |
| Robert Enlow, | W. J. Osborne, | James G. Yaden. |
| J. A. Frazier, | Henry G. Overstreet, | J. A. Yates—39. |

Said amendment as amended by the substitute was agreed to.

The said resolution as amended was then agreed to.

Mr. Gabbard called from the clerk's desk a resolution entitled

H. Res. 15. Resolution providing an American flag for the State capitol of Kentucky.

(For resolution see House Journal, January 30th.)

Said resolution was read and adopted.

Mr. Frazier offered the following resolution, viz.:

Whereas, In the contest case from the county of Allen, in which Meng was contestant and Griffin was contestee, and contestant and contestee were each put to considerable expense in the preparation of the cases and the employment of attorneys; and,

Whereas, The contestee was seated but the committee reported that there was considerable merit in the case of contestant, and several questions of law and fact upon which contestant in good faith based his contest; now, therefore, be it

Resolved, That the contestee Griffin is allowed for attorney's fees to be paid to his attorney, J. A. Oliver, the sum of one hundred and fifty dollars, and the contestant Meng is allowed, to be paid to his attorneys, W. C. Goad and Guy H. Briggs, the sum of fifty dollars each, all of which sums are to be paid as contingent expenses of the House. The Auditor of Public Accounts is directed to draw his warrants upon the Treasurer in favor of the above-named persons for the amounts named above, respectively, when the same have been certified to him by the clerk of this House, and a copy of this resolution shall be considered the proper certification of same.

Said resolution was agreed to.

Leave of absence for an indefinite length of time was granted Mr. Dawson.

The House took up for consideration from the orders of the day a bill, entitled

S. B. 26. An act to appropriate funds for the improvement of the Western Kentucky Asylum for the Insane, at Hopkinsville, Ky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby appropriated out of the general revenue of the State for the benefit of the Western Kentucky Asylum for the Insane, at Hopkinsville, to be expended by the board of commissioners thereof as hereinafter set forth, the following sums for the specific purpose of constructing and equipping the same as herein named and set forth as follows, to-wit:

| | |
|---|---|
| For laundry building and equipment of same | $15,000 00 |
| For engines and dynamos | 7,000 00 |
| For ice machine | 3,000 00 |
| For baker shop and equipment of same | 5,000 00 |
| For cold storage and equipment of same | 4,000 00 |
| For equipment of kitchen | 1,000 00 |
| Total | $35,000 00 |

§ 2. The money hereby appropriated shall be drawn on draft of the board of commissioners of said institution and upon such draft or drafts not exceeding in the aggregate the sum aforesaid, being made upon him, the Auditor of Public Accounts shall draw his warrant or warrants upon the Treasurer of this State in favor of the treasurer of said asylum for any sum or sums of money not exceeding the amount hereby appropriated to said institution, but no part of such money shall be drawn from the treasury of said institution except in payments for work and improvements mentioned in section 1 of this act.

§ 3. The president of the board of commissioners shall advertise for bids for furnishing all labor and materials of every kind and description necessary for the construction of the buildings and the making of the improvements and repairs mentioned in section 1, except such labor and materials, if any, as may be furnished by the employes or patients of said institution, and all such bids shall be opened in the presence of the board of commissioners, and it shall be the duty of the latter to accept such bid or bids as it may deem

the lowest and best, and if in its judgment all or any of such bids shall be unsatisfactory, said board of commissioners may reject any and all of such bids and re-advertise for others in the same manner, and so on until it shall be satisfied to accept bids and tenders, and when contracts for the erection of said buildings and their equipment, furnishing of labor and materials, and the doing of the work, and making the said repairs and improvements shall have been in accord with said bids made and entered into, the board of commissioners shall retain from the contract price thereof sufficient to secure the faithful and complete performance of any and all such contracts and shall not pay the money so retained nor any part thereof until such contracts shall have been fully and faithfully performed and the work accepted and approved by the board of commissioners.

§ 4. The board of commissioners of said institution shall not pay or cause to be paid any part of the money appropriated by this act to any contractor or other person or persons employed in the construction, erection or furnishing the material for the erection, work and repairs authorized by this act, until such contractor or contractors or other persons aforesaid shall deliver to said board or its president thereof, an itemized statement and account of all material so furnished or labor performed for which payment may be requested or demanded, which itemized statement or account shall be approved and endorsed by the architect or superintendent employed by the said board of commissioners and verified by the oath of such contractor or other person or persons presenting such accounts for payment. If such account is found to be just and correct and is approved by the board the secretary of the board of commissioners shall note the said fact in the form of a certificate on or appended to such itemized account and the same shall be paid as other accounts or bills or claims against said institution are paid by order of the board of commissioners thereof, but the money appropriated shall be kept separate and apart from the other funds of the institution and all accounts and expenditures thereof shall

be kept and stated and accounted in separate and distinct statements and accounts of disbursements.

§ 5. The board of commissioners shall, within three months, after the completion of the building and improvements provided for in the first section hereof, showing each and every item of expenses made by said board under the provisions of this act, verified by the oath of the president of the board, which statement shall be filed with the Auditor of Public Accounts, accounting for all money appropriated by this act to said institution, and upon such settlement and statement said board of commissioners shall pay back into the treasury any unexpended balance made to said institution which may remain in the hands of said institution.

§ 6. Because of the urgent need of the buildings and improvements herein contemplated an emergency is declared to exist, and this act shall take effect from and after its approval by the Governor.

Ordered, that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | M. T. Freeman, | John R. Ray, |
| Louis W. Arnett, | Taylor P. Gabbard, | J. M. Robertson, |
| John Barr, | Lloyd W. Gates, | J. T. Royalty, |
| E. Barry, | A. J. Gorham, | S. M. Russell, |
| W. G. Baxter, | H. H. Griffin, | Ed. H. Shellman, |
| Charles C. Beard, | John C. Griffith, | R. C. Simmons, |
| B. O. Becker, | B. P. Grigsby, Sr., | Emmet P. Slattery, |
| Peter Best, Jr., | Paul Gullion, | W. W. Smith, |
| Roger P. Blair, | Albert Hamilton, | W. H. Southall, |

Joe F. Bosworth,
H. Kirby Bourne,
W. T. Cain,
M. F. Campbell,
N. B. Chipman,
Bennett Clarke,
J. W. Clay,
W. D. Claybrooke,
Sam. D. Cochran,
H. K. Cole,
W. H. Cole,
Henry M. Cox,
Ed. Croan,
Henry W. Curle,
Charles I. Dawson,
A. L. Denny,
Lawrence J. Diskin,
Thomas Drewry,
W. Reed Embry,
J. A. Frazier,
J. A. Hamon,
C. W. G. Hannah,
L. P. Head,
D. C. Hopper,
W. J. Jackson,
L. F. Johnson,
W. H. Jones,
Wm. F. Klair,
Geo. D. Litsey,
M. H. McLean,
Henry C. Miller,
Chris Mueller,
J. M. Mitchell,
James S. Morris,
Ed. Mulcahy,
Jon B. Nall,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
Hub L. Stevens,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
D. P. Taggart,
C. C. Terry,
A. J. Thompson,
C. F. Thornton,
Harry Weitkamp,
T. A. Weldon,
W. T. White,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson,
J. Hal Woodford,
W. T. Wright,
James C. Yaden,
J. A. Yates,
Will A Young—86.

Those who voted in the negative were—

Robert Enlow, John B. Wicker—2.

Resolved, That the title of said bill be as aforesaid.

Mr. Head moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

Mr. Nall, of the Committee on Enrollments, reported that they had examined and found correctly enrolled bills of the following titles, viz.:

H. B. 113. An act creating the Thirty-second Judicial District of Kentucky, fixing the time of holding courts thereof, providing for the election of circuit judge and Commonwealth's attorney, and changing the Nineteenth and Twentieth Judicial Districts of Kentucky so as to provide for said Thirty-second District and fixing the

time for holding the courts in said Nineteenth and Twentieth Districts.

H. B. 95. An act to create the Thirty-third Judicial District.

Thereupon all other business was suspended and said bills were severally read at length and examined in open session; and, being found correctly enrolled, the Speaker, in open session, in presence of the House, affixed his signature thereto.

Ordered, that the enrolling clerk deliver same to the Senate.

A message was received from the Senate announcing that they had passed a bill of the following title, viz.:

S. B. 164. An act to amend an act, entitled An act to provide for the establishment and maintenance of a Confederate Home to be a charitable institution of the State of Kentucky, and providing for the care and maintenance of the infirm and dependent Confederate soldiers of the State of Kentucky, and to provide under proper conditions for admission and care of soldiers who may have wives and for those who may have rendered service to the Confederate cause, approved March 27, 1902, and amended by an act approved March 26, 1904.

Said bill was ordered to be printed and by the Speaker referred to the Committee on Charitable Institutions.

Mr. Claybrooke presented the petition of sundry citizens of Washington county, asking the passage of H. B. 244, An act concerning domestic life insurance companies.

Said petition was read and referred to the Committee on Insurance.

Mr. Jones presented the petition of sundry citizens of Caldwell county asking the passage of H. B. 244, An act concerning domestic life insurance companies.

Said petition was read and referred to the Committee on Insurance.

Mr. Klair offered the following resolution, viz.:

Resolved, That the House of Representatives shall hereafter, during this session meet in afternoon session on Tuesdays and Thursdays, said afternoon sessions beginning this the 13th day of February at 3 o'clock and ending at 5 o'clock; and at such afternoon sessions no business shall be considered except bills in the orders of the day.

Mr. McKnight moved that said resolution be referred to the Committee on Rules.

Said motion was disagreed to.

Mr. Arnett offered the following substitute for said resolution, viz.:

Resolved, That commencing on Tuesday, February 13th, this House hold an afternoon session daily at 3 o'clock except on Mondays and Saturdays. The order of business for the afternoon sessions shall be the same as for the forenoon session, except that no hour shall be set for calling the orders of the day.

Said substitute was disagreed to.

The resolution as offered by Mr. Klair was agreed to.

Mr. Klair moved that the vote by which said resolution was agreed to be re-considered and said motion lie on the table.

Said motion was agreed to.

Mr. McKnight, of the board heretofore drawn, selected and sworn to determine the contest to the right to a seat in this House from the Forty-ninth Representative District (which is in the city of Louisville), wherein Robert L. Harris is contestant and Ion B. Nall is contestee, offered the following report of the majority of said board, viz.:

Harris .....Contestant.
vs. Report of Contest Board.
Nall .....Contestee.

Your committee duly drawn and sworn to try the above-styled contest, after having fully heard the evidence and argument of counsel, beg to offer the following:

The Legislative District for which this contest is brought is the Forty-ninth (49th) and comprises the eighth (8th) and ninth (9th) wards of the city of Louisville in the county of Jefferson.

In the eighth ward the evidence clearly shows that the election was fairly free from the objections urged by contestant; in fact, this was tacitly admitted, so the committee excludes the eighth ward from its consideration.

It is urged by the contestant that there was a general conspiracy formed in the city of Louisville to carry the election for the Democratic nominees for various offices by force, intimidation and fraud. In reply, we say that there is no clear or positive evidence that such a conspiracy existed and no evidence whatever to show that contestee had any knowledge or even conspiracy, if any existed.

We are of the opinion that the charge of such conspiracy is unsupported by the evidence and wholly untenable. So that charge is dismissed from further consideration.

The evidence discloses much of fraud and force by certain police officers in the ninth (9th) ward. Indeed, the conduct of these officers is most reprehensible and should be met with the severest punishment. No self-respecting court, board or other authority will, in our opinion, allow these officers to escape punishment they justly deserve. Their conduct was disgraceful, and can but forever tarnish the name of the city that permits them to longer remain as officers. Their conduct was such that to allow it to pass unpunished will, in our opinion, bring reproach and disaster upon the authority that allows it.

There is no evidence whatever tending to show that contestee knew of these outrageous proceedings or consented or connived at

them. Indeed, the high character and high standing of contestee precludes all such thought. His character is vouched for even by counsel for contestant. The sole question then is, Should the election be declared void and set aside because of the disgraceful conduct of these police officials, outraging all decency and law, as they did, when it is clear that contestee had nothing to do with it, was, in fact, entirely ignorant of it?

We are compelled to say no. To declare an election void because of the conduct of the election officers or other officers is a dangerous precedent. Followed to its natural conclusion, election officers may be bought or influenced to conduct an election in such a manner as to prevent an election from ever being held.

If this election should be declared void, what assurance have we that the next will not be marked by the same disgraceful proceedings, and so on throughout time? The result would be that the citizens of the Forty-ninth (49th) Legislative District would never be represented in this Assembly. The Legislature is not a judicial or executive body, nor can it punish the violators of law. It can only make laws; it can not enforce its acts.

To set aside an election on the grounds urged by contestant might in many cases be the course desired by the perpetrators of the crime. We know that there are precedents for such actions on the part of legislative bodies, both in this State and others, and we have carefully considered the opinion of our courts on these questions. We are of the opinion, however, that the past actions of Legislatures should be disregarded, and as to the opinion of the courts, we do not think them as entirely applicable to the case at bar.

The remedy is in the courts of Jefferson county, not in the Legislature. If the courts should refuse to act impeachment should follow. If the juries fail to discharge their sworn obligation, indictments for perjury should follow. If the grand juries fail to indict, an outraged sense of decency and honesty evidenced by law-abiding people in a well-directed manner will be potent for good. If all other remedies fail there is still an appeal to the law-abiding

and honest people of Louisville, who are, we are confident, in the majority.

Unless this election is declared void, the evidence shows that the contestee received a majority of the votes cast at the election held November 7, 1905, in the Forty-ninth Legislative District of this State. As we have said, we are unwilling to declare the election void for the reasons indicated.

It follows, therefore, that contestee, Ion B. Nall, was duly elected a Representative in the General Assembly of the Commonwealth of Kentucky from the Forty-ninth Legislative District, and is entitled to hold his seat in this House.

The committee recommends the adoption of the resolution which accompanies this report, and beg to be discharged.

Respectfully,

VIRGIL McKNIGHT,
JOHN R. RAY,
H. K. BOURNE.

Mr. Rose, of said board offered the following report of the minority of said board, viz.:

To the House of Representatives of the General Assembly of Kentucky:

Robert L. Harris.....Contestant.
v. Report of part of the committee on this contest.
Ion B. Nall.....Contestee.

May it please the House of Representatives:

We, the undersigned, members of the committee selected and duly sworn to try and determine this contest would respectfully show and report that after hearing the argument of counsel and a careful consideration of the voluminous testimony in the case that we concur fully in so much of the report of the remainder of the committee as sets forth the acts of fraud, corruption and intimidation committed in this legislative district at the last November election, and while stated very cogently in the report of our asso-

ciates, the picture is not at all overdrawn, and in fact it would be difficult to conceive a worse case of fraud, corruption and intimidation than is shown in this record; but while we agree with our associates in believing that gross frauds were committed in this district, we differ widely as to the legal conclusions to be drawn from the facts so proven and conceded to exist by all our committee.

In order to show to the House of Representatives the nature and character of the fraud, corruption and intimidation that are proven in the case and are admitted to have occurred by the whole committee, we will briefly recite a few of them before stating our conclusions of law in the case, as follows, to-wit:

| | |
|---|---|
| Eighth ward, second precinct, repeaters voted | 12 |
| Eighth ward, fourth precinct, repeaters voted | 22 |
| Eighth ward, sixth precinct, repeaters voted | 18 |
| Eighth ward, seventh precinct, repeaters voted | 30 |
| Eighth ward, eleventh precinct, repeaters voted | 42 |
| Total in eighth ward | 124 |

In the twelfth precinct of the ninth ward there were forty men who voted on false and forged registration certificates on which the ink had not fully dried.

In the twelfth precinct of the ninth ward there was the most flagrant and outrageous intimidation by the police and armed thugs and peaceable citizens were assaulted, beaten and taken to the police station for the offense of trying merely to exercise their right on suffrage.

At this precinct, which has a registered vote of 238, while the officers of the election were arranging the booths on the morning of the election and before the election had commenced or the Democratic officers had appeared, the police arrested and beat up the Republican judge, James A. Speed, and carried him to the police station; they then in succession assaulted, beat and arrested C. A. Wickliffe, who was selected to take his place; then W. T. Alden, who was selected to take Wickliffe's place; and then Frank Bar-

bour, the Republican clerk, and the precinct was finally run the entire day by a majority of Democratic election officers, one of whom was not a voter of the precinct, and in fact can not be found now in the city by the sheriff of Jefferson county.

In addition to these acts of the police against the election officers, they arrested Scott Bullitt, William Heyburn and Fred Gernert, who were, and are, among the first citizens of the city and whose only crime it seems consisted in being present and remonstrating against these flagrant acts of these supposed guardians of the law and defenders of the rights of the citizen.

It is proven that Harry M. Brennan, chairman of the board of safety, of the city of Louisville, which has charge of the police of the city, was present and saw these acts committed by the police, but made no effort and showed no desire to prevent these acts of outrage, oppression and violence; and while these policemen, or some of them, have since been indicted by the grand jury of the county for their acts done as aforesaid, they are still acting as officers of the law, and the board of safety has taken no action looking to their punishment for these crimes.

It would be a mockery to call the election held in this precinct a free or equal election, and no one reading the testimony can believe that the voters of this precinct had any choice in the selection of their representative in this assembly.

In the thirteenth precinct of the ninth ward it appears that Robert Locke was the Democratic clerk of the election, and that by reason of his failure to produce the registration and poll and ballot books on the day of the election that no election was held in this ward and the entire precinct was thereby disfranchised with its 225 legally registered voters.

This precinct was the strongest Republican precinct in the entire district, and no doubt would have returned a large majority for the contestant had it not been disfranchised. It appears that Locke has since been indicted for his violation of the election law, and if he receives the justice he is entitled to will represent Jeffer-

son county in the Frankfort penitentiary, where he properly belongs.

In one precinct of the ninth ward it is proven without any room for dispute that forty-three illiterates who were inmates of the home kept by the Little Sisters of the Poor were taken in a body to the polls and then and there voted openly and on the table the straight Democratic ticket without being required to take the oath required by law in such cases.

And in the same precinct sixty-five illegal votes were cast by repeaters who had no legal right to vote in that precinct or anywhere else in the city of Louisville, so far as shown by the testimony.

In the eleventh precinct of the ninth ward the testimony shows conclusively that armed men repeatedly invaded the polls, assaulted and beat up quiet citizens and the Republican election officers and created a state of terrorism in that precinct, and to such an extent that no fair or free expression of the will of the people can be said to have been had in this precinct, and its 225 registered votes were to all intents and purposes denied any voice in the election of their officers.

We have considered this record carefully and from a fair and unbiased consideration of all the facts proven we are unable to agree that any fair and equal election was held in this district as guaranteed by every constitution of our State.

It is our deliberate judgment from the record that contestee can not be said to be, and was not, in fact, legally or fairly elected to this Assembly from the Forty-ninth District, and that his seat should be declared vacant and the good people of that district permitted to determine by a free, fair and equal election who is their choice for Representative.

We believe that contestant had, and has, a valid cause to contest the seat of the contestee, and that both contestant and contestee should be allowed $250 for their counsel fees and expenses.

In witness whereof we have hereunto set our hands this February 13, 1906.

R. S. ROSE,
W. C. HALBERT.

The question being taken on the report of the minority as a substitute for the report of the majority of said board, it was decided in the negative.

The question being taken on the adoption of the report of the majority of said board, it was decided in the affirmative.

Mr. McKnight, of said board, offered the following resolution, viz.:

Be it resolved by the House of Representatives of Kentucky, That I. B. Nall was elected Representative in the lower House of the present General Assembly of Kentucky from the Forty-ninth District on the 7th of November, 1905, and was, and is, entitled to the certificate of election awarded him by the election commissioners, and is entitled to retain his seat in this House as the member from said district, and there is allowed to said I. B. Nall for his expenses herein the sum of $20, and to Frank L. Ward the sum of $21.25, balance due for stenographic services on behalf of contestee, and Mary B. Harris the sum of $32.40, amount due her for stenographic services on behalf of contestee, and to the attorney of record for his services in this contest there is allowed the sum of two hundred ($200) dollars; said sums to be paid as part of the contingent expenses of the House, and they are hereby declared to be such, and the clerk of the House will certify to the Auditor who the attorney of record for said contestee is, and the Auditor of State will draw his warrant in favor of the persons entitled to the above-named sums, when there is presented to him a voucher for said sums, countersigned by the clerk of the House, and a copy of this resolution is declared to be said voucher, and the Treasurer of the State will draw a check in favor of the persons entitled to the above-named sums when there is presented to him a warrant from the Auditor directing said payments.

Said resolution was agreed to.

It is thereupon ordered and adjudged by the House, that Ion B. Nall was, at the election held on November 7, 1905, duly and regu-

larly elected Representative from the Forty-ninth Representative District (which is in the city of Louisville), and as such is entitled to a seat on the floor of this House.

The House then adjourned until 3 o'clock this afternoon.

## AFTERNOON SESSION.

Pursuant to the resolution adopted this morning, the House met.

The House took up for consideration from the orders of the day bills of the following titles, viz.:

H. B. 49. An act to provide an appropriation for the erection and equipment of buildings for the use of the Agricultural Department and of the normal school of the A. & M. College.

H. B. 110. An act providing for the continuation of the geological, topographical and agricultural survey of the State of Kentucky, and for the continuation of topographical surveys in cooperation with the United States Geological Survey.

H. B. 107. An act appropriating $2,500 for the erection of a monument at Boonesboro, Kentucky, and the purchase of the necessary ground on which to locate same and creating a commission to carry out the work.

H. B. 207. An act to provide for the location, erection, organization and management in Kentucky of a State sanatorium for the cure and treatment of tuberculosis, and making an appropriation for the purchase of the necessary land, and the construction and equipment of necessary buildings, and making an appropriation for the maintenance of the sanatorium.

Ordered, that said bills be re-committed to the Committee on Appropriations.

The House took up for consideration from the orders of the day a bill, entitled

H. B. 324. An act to amend section 1085, article 7, chapter 35, of Kentucky Statutes, which relates to justices' courts.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1085, article 7, chapter 35, Kentucky Statutes, be amended by striking from said section the word "three," so that said section, when amended, shall read as follows:

"Each justice of the peace shall hold a court in his district for the trial of civil cases every month in each year, and in cities of the first, second and third class a court may be held monthly, the term to continue until the business is disposed of. The term shall be fixed by an order of the county court, entered of record, and when so fixed shall not be changed, except at the last regular term of the county court held in the year next preceding the year in which the change is to be made. Until changed as herein provided, the terms shall be held upon the days now fixed."

§ 2. This act shall take effect and be in force ninety days after its passage and approval.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | Lloyd W. Gates, | John R. Ray, |
| Louis W. Arnett, | W. J. Gooch, | J. M. Robertson, |
| John Barr, | A. J. Gorham, | Richard S. Rose, |
| E. Barry, | H. H. Griffin, | J. T. Royalty, |
| W. G. Baxter, | John C. Griffith, | S. M. Russell, |

| | | |
|---|---|---|
| B. O. Becker, | Paul Gullion, | R. C. Simmons, |
| Peter Best, Jr., | Albert Hamilton, | Emmet P. Slattery, |
| Roger P. Blair, | C. W. G. Hannah, | W. W. Smith, |
| H. Kirby Bourne, | L. P. Head, | Hub L. Stevens, |
| W. T. Cain, | W. J. Jackson, | John A. Stevens, |
| M. F. Campbell, | L. F. Johnson, | D. P. Taggart, |
| J. W. Clay, | W. H. Jones, | A. J. Thompson, |
| H. K. Cole, | Wm. F. Klair, | C. F. Thornton, |
| W. H. Cole, | Geo. D. Litsey, | Harry Weitkamp, |
| Ed. Croan, | H. M. McCarty, | T. A. Weldon, |
| Henry W. Curle, | Virgil McKnight, | W. T. White, |
| A. L. Denny, | Henry C. Miller, | John B. Wicker, |
| Lawrence J. Diskin, | Chris Mueller, | J. T. Wilson, |
| Thomas Drewry, | Ed. Mulcahy, | Munnell Wilson, |
| W. Reed Embry, | Ion B. Nall, | J. Hal Woodford, |
| J. A. Frazier, | W. J. Osborne, | James C. Yaden, |
| M. T. Freeman, | Henry G. Overstreet, | J. A. Yates, |
| Taylor P. Gabbard, | C. M. Paynter, | Will A. Young—69. |

Those who voted in the negative were—

| | | |
|---|---|---|
| Robert Enlow, | D. C. Hopper, | Zeb A. Stewart—5. |
| J. A. Hamon, | M. H. McLean, | |

Resolved, That the title of said bill be as aforesaid.

Mr. Cain moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill, entitled

H. B. 327. An act to provide for proper recognition of proficiency acquired by students who attend the normal department of the A. & M. College of Kentucky.

Said bill is as follows, viz.:

Whereas, The Commonwealth of Kentucky maintains in the A.

& M. College of Kentucky a normal department for the education and professional training of teachers; and,

Whereas, The courses of study offered in said department cover all the work on which examination is required by law for the issuing of teachers' certificates; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. A diploma from the A. & M. College of Kentucky conferring the degree of bachelor of pedagogy, shall be sufficient evidence of qualification to teach in the public schools of Kentucky during the lifetime of the person upon whom such degree has been conferred, and no other certificate or license shall be required of him by any board authorized by law to employ teachers for any of the public schools of Kentucky.

§ 2. Teachers who hold legal certificates to teach in the public schools of Kentucky and who attend the summer term of the normal department of the A. & M. College of Kentucky at least four weeks between June the first and August the first of any year shall not be required to attend any teachers' institute during that scholastic year.

§ 3. All county superintendents and other public officers shall faithfully observe the provisions of this act.

§ 4. All previous acts of the Commonwealth in conflict with the provisions of this act are hereby repealed.

The amendment heretofore offered thereto by the Committee on A. & M. College is as follows, viz.:

Amend by inserting after the word "conferred" in the fourth line of section 1 the words "unless he or she shall cease to teach for five consecutive years."

Said amendment was agreed to.

Ordered, that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said

bill at length being dispensed with, and the same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

J. M. Alverson,
Louis W. Arnett,
John Barr,
W. G. Baxter,
B. O. Becker,
Joe F. Bosworth,
J. C. Byland,
N. B. Chipman,
Bennett Clarke,
J. W. Clay,
Sam. D. Cochran,
H. K. Cole,
Henry M. Cox,
Lawrence J. Diskin,
Thomas Drewry,
W. Reed Embry,
M. T. Freeman,
Taylor P. Gabbard,
Lloyd W. Gates,
A. J. Gorham,
H. H. Griffin,
John C. Griffith,
Paul Gullion,
Albert Hamilton,
J. A. Hamon,
C. W. G. Hannah,
L. P. Head,
L. F. Johnson,
W. H. Jones,
Wm. F. Klair,
Geo. D. Litsey,
H. M. McCarty,
Virgil McKnight,
M. H. McLean,
Henry C. Miller,
Chris Mueller,
J. M. Mitchell,
James S. Morris,
Ion B. Nall,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
S. M. Russell,
Ed. H. Shellman,
R. C. Simmons,
Emmet P. Slattery,
W. H. Southall,
Hub L. Stevens,
D. P. Taggart,
Harry Weitkamp,
T. A. Weldon,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson,
James C. Yaden,
Will A. Young—56.

Those who voted in the negative were—

E. Barry,
Peter Best, Jr.,
Roger P. Blair,
H. Kirby Bourne,
W. T. Cain,
M. F. Campbell,
W. H. Cole,
Henry W. Curle,
Robert Enlow,
J. A. Frazier,
W. J. Gooch,
W. J. Jackson,
Ed. Mulcahy,
John R. Ray,
J. M. Robertson,
Richard S. Rose,
J. T. Royalty,
W. W. Smith,
John A. Stevens,
Zeb. A. Stewart,
C. C. Terry,
A. J. Thompson,
C. F. Thornton,
W. T. White,
John B. Wicker,
J. Hal Woodford,
W. T. Wright,
J. A. Yates—28.

Resolved, That the title of said bill be as aforesaid.

Mr. Klair moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill, entitled

H. B. 40. An act regulating the testing, grading, weighing, milling, selling and purchase of wheat.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be unlawful for any person, commission merchant, miller, dealer, grain inspector, corporation, company, firm or association, either by himself, itself, officer, agent or employe, when purchasing wheat or receiving it in barter or exchange for flour or otherwise, from the owner, his agent or employe, to use for the purpose of testing or determining the weight, grade, milling or market value of wheat, any measure other than the standard half-bushel measure furnished this State by the United States; and the use of any fractional part of said standard half-bushel measure for such purpose will be a violation of this section. It shall likewise be unlawful to use anything other than a straight stick with the edges square for leveling the wheat in said half-bushel measure, for the purpose of testing the weight, grade, milling or market value of wheat; Provided, That the provision of this section shall not apply to wheat or grain that is inspected or graded by the carload under the regulations of any board of trade. Any person violating any of the provisions of this section, shall, on conviction, be fined not less than ten dollars nor more than one hundred dollars, to which may be added imprisonment in the county jail not exceeding six months.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

J. M. Alverson,
Louis W. Arnett,
John Barr,
E. Barry,
W. G. Baxter,
Charles C. Beard,
B. O. Becker,
Peter Best, Jr.,
Roger P. Blair,
Joe F. Bosworth,
H. Kirby Bourne,
J. C. Byland,
W. T. Cain,
M. F. Campbell,
N. B. Chipman,
Bennett Clarke,
J. W. Clay,
Sam. D. Cochran,
W. H. Cole,
Henry M. Cox,
Ed. Croan,
Henry W. Curle,
Lawrence J. Diskin,
Thomas Drewry,
W. Reed Embry,
Robert Enlow,
J. A. Frazier,
M. T. Freeman,
Taylor P. Gabbard,
A. J. Gorham,
H. H. Griffin,
John C. Griffith,
Paul Gullion,
W. C. Halbert,
J. A. Hamon,
C. W. G. Hannah,
L. P. Head,
D. C. Hopper,
W. J. Jackson,
Wm. F. Klair,
Geo. D. Litsey,
H. M. McCarty,
Virgil McKnight,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
Chris Mueller,
J. M. Mitchell,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
John R. Ray,
J. M. Robertson,
Richard S. Rose,
J. T. Royalty,
S. M. Russell,
Ed. H. Shellman,
R. C. Simmons,
Emmet P. Slattery,
W. H. Southall,
Hub L. Stevens,
John A. Stevens,
Zeb. A. Stewart,
D. P. Taggart,
C. C. Terry,
A. J. Thompson,
C. F. Thornton,
Harry Weitkamp,
T. A. Weldon,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
Munnell Wilson,
Wm. Wilt,
J. Hal Woodford,
W. T. Wright,
James G. Yaden—80.

Those who voted in the negative were—

Albert Hamilton,
J. T. Wilson,
J. A. Yates—3.

Resolved, That the title of said bill be as aforesaid.

Mr. Overstreet moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill, entitled

H. B. 300. An act to make it unlawful to present plays in this Commonwealth that are based upon antagonism alleged formerly to exist between master and slave, or that excite race prejudice, and to provide a penalty therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to present or to participate in the presentation of, or to permit to be presented in any opera house, theater, hall, or other building under his control, any play that is based upon antagonism alleged formerly to exist between master and slave, or that excites race prejudice.

§ 2. Any person violating the provisions of the act shall be subject to a fine of not less than one hundred dollars nor more than five hundred dollars, or to imprisonment in the county jail of not less than one or more than three months, or to both such fine and imprisonment.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

J. M. Alverson,
Louis W. Arnett,
John Barr,
E. Barry,
W. G. Baxter,
Charles C. Beard,
B. O. Becker,
Peter Best, Jr.,
Roger P. Blair,
H. Kirby Bourne,
W. T. Cain,
M. F. Campbell,
Bennett Clarke,
J. W. Clay,
Sam. D. Cochran,
H. K. Cole,
Henry W. Curle,
Thomas Drewry,
W. Reed Embry,
Robert Enlow,
J. A. Frazier,
Taylor P. Gabbard,
W. J. Gooch,
A. J. Gorham,
H. H. Griffin,
John C. Griffith,
Paul Gullion,
W. C. Halbert,
J. A. Hamon,
L. P. Head,
W. J. Jackson,
W. H. Jones,
Wm. F. Klair,
Geo. D. Litsey,
H. M. McCarty,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
Chris Mueller,
J. M. Mitchell,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
John R. Ray,
J. M. Robertson,
J. T. Royalty,
S. M. Russell,
Ed. H. Shellman,
R. C. Simmons,
W. W. Smith,
W. H. Southall,
Hub L. Stevens,
John A. Stevens,
Zeb. A. Stewart,
C. C. Terry,
A. J. Thompson,
C. F. Thornton,
Harry Weitkamp,
T. A. Weldon,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson,
J. Hal Woodford,
W. T. Wright,
James C. Yaden,
J. A. Yates—71.

Those who voted in the negative were—

N. B. Chipman,
W. H. Cole,
M. T. Freeman,
Lloyd W. Gates,
Albert Hamilton,
C. W. G. Hannah,
D. C. Hopper,
L. F. Johnson,
Virgil McKnight,
Richard S. Rose,
Emmet P. Slattery,
D. P. Taggart,
Wm. Wilt—13.

Resolved, That the title of said bill be as aforesaid.

Mr. Klair moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill, entitled

H. B. 67. An act relating to assault with intent to rob, amending section 1160 of Kentucky Statutes.

Together with the amendment heretofore offered thereto by the committee.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1160 of Kentucky Statutes be amended to read as follows:

"If any person with or without any offensive weapon or instrument shall unlawfully and maliciously assault, or shall by menace or in or by any forcible and violent manner demand any money, goods or chattels, bond, bill, deed or will or other evidences of right, or anything of value of or from any other person, with felonious intent to rob or commit robbery upon such person, he or she shall be confined in the penitentiary not less than twenty-one years or during their natural life."

The amendment offered thereto by the committee is as follows, viz.:

Amend by striking out the words "twenty-one years or during their natural life," and inserting in lieu thereof the ords "five years nor more than twenty-one years."

Said amendment was agreed to.

Ordered, that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in ac-

cordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

J. M. Alverson,
Louis W. Arnett,
John Barr,
E. Barry,
W. G. Baxter,
Charles C. Beard,
B. O. Becker,
Peter Best, Jr.,
Roger P. Blair,
H. Kirby Bourne,
W. T. Cain,
M. F. Campbell,
N. B. Chipman,
Bennett Clarke,
J. W. Clay,
Sam. D. Cochran,
H. K. Cole,
W. H. Cole,
Henry M. Cox,
Ed. Croan,
Henry W. Curle,
A. L. Denny,
Lawrence J. Diskin,
Thomas Drewry,
W. Reed Embry,
Robert Enlow,
J. A. Frazier,
M. T. Freeman,
Taylor P. Gabbard,
Lloyd W. Gates,
W. J. Gooch,
A. J. Gorham,
H. H. Griffin,
John C. Griffith,
Paul Gullion,
W. C. Halbert,
Albert Hamilton,
J. A. Hamon,
C. W. G. Hannah,
L. P. Head,
D. C. Hopper,
W. J. Jackson,
L. F. Johnson,
W. H. Jones,
Wm. F. Klair,
Geo. D. Litsey,
H. M. McCarty,
Virgil McKnight,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
Chris Mueller,
J. M. Mitchell,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
Henry G. Overstreet,
C. M. Paynter,
John R. Ray,
J. M. Robertson,
Richard S. Rose,
J. T. Royalty,
S. M. Russell,
Ed. H. Shellman,
R. C. Simmons,
Emmet P. Slattery,
W. H. Southall,
Hub L. Stevens,
John A. Stevens,
Zeb. A. Stewart,
D. P. Taggart,
C. C. Terry,
A. J. Thompson,
C. F. Thornton,
Harry Weitkamp,
T. A. Weldon,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson,
Wm. Wilt,
W. T. Wright,
James C. Yaden,
J. A. Yates—86.

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

Mr. Bourne moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill, entitled

H. B. 68. An act relating to negotiable instruments amending section 184 of said act which was approved March 24, 1904, by striking out said section.

Together with the amendment proposed by the committee thereto by way of substitute therefor.

Mr. Klair moved that the further consideration of said bill be postponed indefinitely.

Said motion was agreed to.

And so said bill was rejected.

And then the House adjourned.

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WEDNESDAY, FEBRUARY 14, 1906.

The House was opened with prayer by the Rev. E. M. Crowe, of the Presbyterian church, Southern Assembly.

The reading of the Journal of yesterday's proceedings was dispensed with and the same was approved.

Mr. Cochran offered the following resolution, viz.:

Be it resolved, That the clerk of this House is hereby ordered to each day have made a list, by numbers, of all bills in the orders of the day, including special orders, and have the same posted in some conspicuous place near the cloak room door where all the members of this House may be able to see the same.

Said resolution was agreed to.

Mr. Griffith offered the following resolution, viz.:

Whereas, The House of Representatives has learned of the death of Hon. Carl Day, of Breathitt county, who faithfully served as a member of this branch of the last General Assembly of Kentucky, and who was esteemed by that body as a man of unyielding integrity, firm in conviction, loyal to principle and devoted to right; therefore, be it

Resolved, That in his death the Commonwealth was deprived of an honored and true citizen, and that this body offers its tenderest sympathy to his afflicted family, and directs its clerk to forward to them an enrolled copy of this token of regard for the memory of the deceased.

Said resolution was agreed to.

Mr. Stewart called up for consideration from the clerk's desk a resolution, entitled

H. Res. 13. Setting apart Thursday the 22d of February to celebrate the anniversary of the birth of Washington.

(For resolution see Journal of February 7th.)

Said resolution was read and agreed to.

Mr. Johnson, of the board heretofore drawn, selected and sworn to determine the contest for a right to a seat in this House as Representative from the county of Muhlenberg, wherein T. J. Slaton is contestant and D. P. Taggart is contestee, offered the following report of a majority of said board, viz.:

The undersigned committee, to whom was referred the contest of Dr. T. J. Slaton against D. P. Taggart, beg to make the following report:

We have examined carefully the proof offered by the parties as well as the ballots used at the chief precinct in dispute, and find that at Bremen precinct, which purported to give contestee a majority of one hundred and forty-two (142) votes, at least one hundred ballots were deposited in the ballot box at said precinct which did not bear the official and genuine signature of the clerk of the

election; that all the officers were drunk, and the said clerk was very drunk and incapacitated from doing his work on that day and was absent some twenty or more times from his post of duty, and his name was signed on the ballots by one—not one of the judges even—who had not been sworn. That at two other precincts, namely, Rosewood and West Central City, the booths were so placed that persons on the outside could see through open windows how the ballots were stamped.

Whether there was any actual fraud perpetrated at these precincts we can not say. In our judgment, it is not material.

There has been such a flagrant violation of the plain provisions of our election law that for this body to approve the result in these precincts, especially in Bremen precinct, would be to say to the election officers: "You can hold your elections in any way you please and you need not follow the plain provisions made for your guidance."

Surely the law-making departments ought not to set a premium on flagrant violations of the laws it has made.

We find no Kentucky case directly in point. It is true that in Likens vs. Anderson, 20 Rep., page 1001, a precinct was not thrown out because of the fact that in that precinct there were "several ballots" not properly endorsed by the clerk. But the court was careful to say that it did not mean to decide that there might not be such a flagrant violation of such duty as to invalidate the election in that precinct.

The extent of the violation of this plain requirement of the statute at this Bremen precinct makes out clearly in our opinion a case of flagrant wrong within the meaning of Likens case.

In many cases from other States having similar statutes, the courts have held that ballots not bearing the official stamp required by law are to be rejected, and that the voter must see his ballot is so endorsed.

Hanscom v. State, 10 Texas C. App., 638; 47 L. R. A., 809.

Mallet v. Plumb Co., Cann., 352.

An election is void unless the substantial statutory provisions are complied with. 12 L. R. A., 202.

Many Kentucky cases denounce the use of whisky by the officers of election, and the intimations are strong that where drunkenness results the courts will be very slow to approve their conduct. Banks v. Sergent, 20 R., 1027.

We are constrained to hold that at least the Bremen precinct should not be counted for either candidate, the result being that the contestant received the highest number of legal votes in the county and should be seated, and we so recommend.

We further recommend that contestant and contestee each receive the sum of $150 for their expenses in this case.

L. F. JOHNSON, Chairman,
E. MULCAHY,
JOHN A. STEVENS,
J. T. ROYALTY.

Mr. Cain, of said board, offered the following report of the minority of said board, viz.:

T. J. Slaton.....Contestant
vs. Minority Report.
D. P. Taggart.....Contestee.
Eighteenth Representative District of Kentucky.

To the House of Representatives:

Gentlemen:—We, members of your committee selected to hear the contest case of T. J. Slaton v. D. P. Taggart, from the Eighteenth District, composed of Muhlenberg county, after a careful and full consideration of the evidence, the law and the argument in the case, report as follows:

The grounds for the contest as adduced by the evidence and argument of counsel are irregularities which are not claimed by the parties to have been fraudulent or to have changed the result of the election one way or the other. There is no doubt that the returns as made by the election officers in the questioned precincts

are a true expression of the will of the voters therein, and we do not feel justified in reversing their expressed verdict on purely technical grounds.

In the Bremen precinct it is charged that the Republican clerk was under the influence of whisky and it is admitted that by agreement of all the election officers that the Democratic challenger was authorized, and did on a number of ballots, sign for the clerk his name, but there is no evidence and it is not claimed that the votes were not all cast as the voters desires, or that they were not all properly counted as cast.

This precinct gave Taggart, the contestee, 142 majority.

In the East Central City precinct, which gave Slaton, the contestant, a majority of fifty, a similar irregularity occurred, a number of the ballots being signed by a challenger who was not the regular clerk, but neither is any fraud shown in this precinct which might change the result. But it will be seen that to throw out one precinct, to be consistent, the other would have also to be thrown out, and this would still leave the contestee elected by a clear majority of twenty-two votes.

We, therefore protest against the injustice of throwing out one precinct on an irregularity and refusing to throw out another for a like cause. The Court of Appeals in Kentucky have held clearly and plainly that such irregularities as alleged in this case when not prejudicial are not sufficient grounds to reverse an election, and we find that the contestee, Taggart, was duly and legally elected, awarded his certificate and is entitled to retain his seat, and we so recommend.

We further recommend that the contestee be allowed $150 for attorneys' fees and all expenses, and the contestant $100 for a like purpose.

Respectfully submitted,

W. M. WILT,
W. T. CAIN,
ALBERT HAMILTON.

The question being taken upon the adoption of said minority report as a substitute for the report of the majority, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Mulcahy and Stewart, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| John Barr, | M. T. Freeman, | W. J. Osborne, |
| Charles C. Beard, | Taylor P. Gabbard, | John R. Ray, |
| B. O. Becker, | H. H. Griffin, | Richard S. Rose, |
| Peter Best, Jr., | John C. Griffith, | W. W. Smith, |
| Joe F. Bosworth, | W. C. Halbert, | Zeb. A. Stewart, |
| W. T. Cain, | Albert Hamilton, | A. J. Thompson, |
| M. F. Campbell, | C. W. G. Hannah, | Harry Weitkamp, |
| N. B. Chipman, | D. C. Hopper, | T. A. Weldon, |
| Bennett Clarke, | W. H. Jones, | Wm. Wilt, |
| H. K. Cole, | Wm. F. Klair, | J. Hal Woodford, |
| W. H. Cole, | Virgil McKnight, | James C. Yaden, |
| A. L. Denny, | R. W. Miller, | J. A. Yates—38. |
| Robert Enlow, | Chris Mueller, | |

Those who voted in the negative were—

| | | |
|---|---|---|
| J. M. Alverson, | L. F. Johnson, | R. C. Simmons, |
| Louis W. Arnett, | Geo. D. Litsey, | Emmet P. Slattery, |
| W. G. Baxter, | H. M. McCarty, | Hub L. Stevens, |
| Roger P. Blair, | M. H. McLean, | John A. Stevens, |
| H. Kirby Bourne, | Henry C. Miller, | George W. Stone, |
| Henry M. Cox, | J. M. Mitchell, | C. C. Terry, |
| Henry W. Curle, | Ed. Mulcahy, | C. F. Thornton, |
| Lawrence J. Diskin, | Ion B. Nall, | W. T. White, |
| J. A. Frazier, | Henry G. Overstreet, | John B. Wicker, |
| W. J. Gooch, | C. M. Paynter, | Geo. S. Wilson, |
| A. J. Gorham, | J. M. Robertson, | J. T. Wilson, |
| Paul Gullion, | S. M. Russell, | Munnell Wilson, |
| J. A. Hamon, | Ed. H. Shellman, | W. T. Wright—40. |
| L. P. Head, | | |

The question being taken on the adoption of the report of the majority of said board, was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Halbert and Becker, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | L. P. Head, | S. M. Russell, |
| Louis W. Arnett, | L. F. Johnson, | Ed. H. Shellman, |
| W. G. Baxter, | Geo. D. Litsey, | R. C. Simmons, |
| Roger P. Blair, | H. M. McCarty, | Emmet P. Slattery, |
| H. Kirby Bourne, | M. H. McLean, | Hub L. Stevens, |
| Henry M. Cox, | Henry C. Miller, | John A. Stevens, |
| Henry W. Curle, | R. W. Miller, | George W. Stone, |
| Lawrence J. Diskin, | Chris Mueller, | C. C. Terry, |
| Robert Enlow, | J. M. Mitchell, | C. F. Thornton, |
| J. A. Frazier, | Ed. Mulcahy, | John B. Wicker, |
| W. J. Gooch, | Ion B. Nall, | Geo. S. Wilson, |
| A. J. Gorham, | Henry G. Overstreet, | J. T. Wilson, |
| Paul Gullion, | C. M. Paynter, | Munnell Wilson, |
| James A. Hagan, | J. M. Robertson, | W. T. Wright—43. |
| J. A. Hamon, | | |

Those who voted in the negative were—

| | | |
|---|---|---|
| John Barr, | A. L. Denny, | Virgil McKnight, |
| Charles C. Beard, | M. T. Freeman, | W. J. Osborne, |
| B. O. Becker, | Taylor P. Gabbard, | Richard S. Rose, |
| Peter Best, Jr., | H. H. Griffin, | W. W. Smith, |
| Joe F. Bosworth, | John C. Griffith, | Zeb. A. Stewart, |
| W. T. Cain, | W. C. Halbert, | A. J. Thompson, |
| M. F. Campbell, | Albert Hamilton, | Harry Weitkamp, |
| N. B. Chipman, | C. W. G. Hannah, | Wm. Wilt, |
| Bennett Clarke, | D. C. Hopper, | J. Hal Woodford, |
| H. K. Cole, | W. H. Jones, | James C. Yaden, |
| W. H. Cole, | Wm. F. Klair, | J. A. Yates—33 |

It is thereupon ordered and adjudged by the House, that T. J. Slaton was, at the election held on 7th day of November, 1905, duly and regularly elected Representative from the county of Muhlenberg, and as such is entitled to a seat on the floor of this House.

A message was received from the Governor announcing that he

had approved and signed a resolution which originated in the House of Representatives, entitled

H. Res. 1. Resolution providing for furnishing copies of the Kentucky Statutes and Codes of Practice to chairmen of several committees of Senate and House and the Official Manual of Kentucky to the members of the General Assembly and certain officials.

Mr. Enlow, of the Committee on Public Morals, to which the same had been referred, reported a bill of the following title, viz.:

H. B. 212. An act to prevent the running or operating of excursion trains on Sunday.

With the expression of opinion on the part of the majority of the committee that said bill ought not to pass.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It should be unlawful for any common carrier or railway company operating trains in this Commonwealth to, on the Sabbath day, operate or run any train for which tickets are sold for the round-trip at rates below the sum charged for travel between the same points on any other day.

§ 2. It shall be unlawful for any common carrier or railway company operating trains in this Commonwealth to sell on Sunday round-trip tickets between points on its line at a rate less than that charged for travel between these points charged for travel on any other day.

§ 3. For any violation of the provisions of this act the common carrier or railway company shall be fined not less than one hundred nor more than one thousand dollars.

The question being taken on ordering said bill to a reading, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Ray and R. W. Miller, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| E. Barry, | W. J. Jackson, | Richard S. Rose, |
| Sam. D. Cochran, | R. W. Miller, | J. T. Royalty, |
| A. L. Denny, | John R. Ray, | W. T. White—10. |
| Robert Enlow, | | |

Those who voted in the negative were—

| | | |
|---|---|---|
| J. M. Alverson, | H. H. Griffin, | Emmet P. Slattery, |
| Louis W. Arnett, | John C. Griffith, | W. W. Smith, |
| John Barr, | Paul Gullion, | W. H. Southall, |
| W. G. Baxter, | James A. Hagan, | Hub L. Stevens, |
| Charles C. Beard, | W. C. Halbert, | John A. Stevens, |
| B. O. Becker, | Albert Hamilton, | Zeb. A. Stewart, |
| Peter Best, Jr., | C. W. G. Hannah, | George W. Stone, |
| Roger P. Blair, | L. P. Head, | C. C. Terry, |
| Joe F. Bosworth, | D. C. Hopper, | A. J. Thompson, |
| J. C. Byland, | L. F. Johnson, | C. F. Thornton, |
| W. T. Cain, | Wm. F. Klair, | Harry Weitkamp, |
| M. F. Campbell, | Geo. D. Litsey, | T. A. Weldon, |
| N. B. Chipman, | Virgil McKnight, | John B. Wicker, |
| Bennett Clarke, | M. H. McLean, | Geo. S. Wilson, |
| H. K. Cole, | Henry C. Miller, | J. T. Wilson, |
| W. H. Cole, | Chris Mueller, | Munnell Wilson, |
| Henry M. Cox, | James S. Morris, | Wm. Wilt, |
| Ed. Croan, | Ed. Mulcahy, | J. Hal Woodford, |
| Henry W. Curle, | Henry G. Overstreet, | W. T. Wright, |
| Thomas Drewry, | C. M. Paynter, | James C. Yaden, |
| Taylor P. Gabbard, | J. M. Robertson, | J. A. Yates—65. |
| W. J. Gooch, | Ed. H. Shellman, | |

Mr. Simmons, of the Committee on Judiciary, to which the same had been re-committed, reported a bill, entitled

H. B. 333. An act to prevent the operation of poolrooms and fixing penalty for its violation.

Together with an amendment thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be unlawful for any person, firm, association or corporation to establish, set up, maintain, keep, operate or conduct a poolroom, or what is commonly called a "poolroom," wherein or whereat any money or other things of value shall be or can be bet, won or lost on the result of any horse race or races ran or to be run in or out of the Commonwealth of Kentucky, or wherein or whereat any money or other things of value shall be received or paid for any ticket, lot, pool or chance on result of any such horse race or races ran or to be run in or out of the Commonwealth of Kentucky, and any person, firm, association or corporation that shall violate any of the provisions of this act, shall, on conviction, be fined not less than one thousand, nor more than five thousand dollars for each offense, and each day such poolroom is maintained, kept, operated or conducted, shall constitute a separate offense.

§ 2. That it shall be unlawful for any person to aid, abet or assist any other person, firm, association or corporation, or to act as agent or employee of any other person, firm, association or corporation in establishing, setting up, maintaining, keeping, operating or conducting any such poolroom as is defined in section 1 of this act; and any person who shall violate any provision of this section shall, on conviction, be fined not less than one hundred nor more than five hundred dollars and shall be confined in the county jail not less than thirty days nor more than six months; and each day any person who thus aids, abets or assists in maintaining, keeping, operating or conducting such a poolroom or shall act as agent or employe of any person or corporation in maintaining, operating or conducting such a poolroom shall constitute a separate offense.

§ 3. It shall be unlawful for any person, firm, association or corporation, either as owners or agent to let, lease or rent to any other person, firm, association or corporation any room, house or building to be used or occupied as a poolroom for any of the pur-

poses defined in section 1 of this act; or as owner or agent to permit any room, house, or building to be so used or occupied after receiving notice thereof; and any person, firm, association or corporation that shall violate any provision of this section shall, on conviction, be fined not less than five hundred nor more than one thousand dollars and each day such room, house or building shall be so used or occupied shall constitute a separate offense.

§ 4. All laws and parts of laws in conflict herewith are hereby repealed.

The amendment as proposed thereto by the committee is as follows, viz.:

Amend by inserting the following as section 4: "A poolroom within the meaning of this act shall not include a place or room or betting shed on any regular race track in this Commonwealth where pools are sold or books are made on any races being run or about to be run on such track."

And by numbering section 4 as section 5.

Said amendments were agreed to.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | Taylor P. Gabbard, | Richard S. Rose, |
| Louis W. Arnett, | W. J. Gooch, | J. T. Royalty, |
| John Barr, | H. H. Griffin, | S. M. Russell, |
| E. Barry, | John C. Griffith, | Ed. H. Shellman, |
| Charles C. Beard, | Paul Gullion, | R. C. Simmons, |

| | | |
|---|---|---|
| B. O. Becker, | W. C. Halbert, | Emmet P. Slattery, |
| Peter Best, Jr., | Albert Hamilton, | W. W. Smith, |
| Roger P. Blair, | J. A. Hamon, | W. H. Southall, |
| H. Kirby Bourne, | L. P. Head, | John A. Stevens, |
| J. C. Byland, | D. C. Hopper, | Zeb. A. Stewart, |
| W. T. Cain, | W. J. Jackson, | George W. Stone, |
| M. F. Campbell, | W. H. Jones, | C. C. Terry, |
| N. B. Chipman, | Geo. D. Litsey, | A. J. Thompson, |
| W. D. Claybrooke, | H. M. McCarty, | C. F. Thornton, |
| Sam. D. Cochran, | M. H. McLean, | T. A. Weldon, |
| H. K. Cole, | Henry C. Miller, | W. T. White, |
| W. H. Cole, | R. W. Miller, | John B. Wicker, |
| Henry M. Cox, | J. M. Mitchell, | Geo. S. Wilson, |
| Ed. Croan, | James S. Morris, | J. T. Wilson, |
| Henry W. Curle, | Ed. Mulcahy, | Munnell Wilson, |
| A. L. Denny, | Ion B. Nall, | Wm. Wilt, |
| Thomas Drewry, | C. M. Paynter, | W. T. Wright, |
| W. Reed Embry, | John R. Ray, | James C. Yaden, |
| Robert Enlow, | J. M. Robertson, | J. A. Yates—73. |
| J. A. Frazier, | | |

Those who voted in the negative were—

| | | |
|---|---|---|
| W. G. Baxter, | James A. Hagan, | Chris Mueller, |
| Joe F. Bosworth, | Wm. F. Klair, | J. Hal Woodford—7. |
| A. J. Gorham, | | |

Resolved, That the title of said bill be as aforesaid.

Mr. George S. Wilson moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

Mr. McLean, of the Committee on Enrollments, reported that they had examined and found correctly enrolled a bill of the following title, viz.:

S. B. 9. An act for the benefit of Eastern Kentucky Asylum for the Insane, at Lexington.

Thereupon all other business was suspended and said

bills were severally read at length and examined in open session; and being found correctly enrolled, the Speaker, in open session, in presence of the House, affixed his signature thereto.

Ordered, that the enrolling clerk deliver same to the Senate.

Mr. Enlow, of the Committee on Public Morals, to which the same had been referred, reported bills of the following titles, viz.:

H. B. 357. An act to further regulate elections in this Commonwealth.

H. B. 428. An act to prevent the disturbing of camp-meetings, associations and other religious exercises.

Said bills were severally read the first time at length and ordered to be placed on the calendar.

Mr. McKnight moved that the further call of committees be discontinued until the calendar is called, and that the House now proceed to the consideration of the calendar.

Said motion was agreed to.

Mr. Klair moved that the consideration of the orders of the day be postponed until after the completion of the call of the calendar.

Said motion was agreed to.

Mr. Klair moved that the session of to-day be extended until the completion of the call of the calendar.

Said motion was agreed to.

The House took up for consideration from the calendar the following bills, viz.:

(1) H. B. 407. An act to amend an act, entitled An act to establish houses of reform, one for boys, and one for girls, and to provide for the government thereof, and making an appropriation therefor, which became a law March 21, 1896.

(2) H. B. 153. An act to repeal an act relating to cities of the fourth class.

(3) H. B. 154. An act to repeal an act relating to cities of the fourth class.

(4) H. B. 236. An act to prohibit any person or corporation or company engaged in the mining or manufacturing business in this State from engaging in, or being interested in, directly or indirectly, the keeping of a truck store, commissary shop or scheme to furnish supplies, groceries, provisions, etc., to his, its or their employes, and prescribing a penalty.

(5) H. B. 112. An act to establish a system of State normal schools in Kentucky; to divide the Commonwealth into three normal school districts; to create a board of regents for the general management of each school and to create a normal executive council, which shall determine the requirements for admission and graduation and the course of study for all these schools.

(6) H. B. 185. An act appropriating ten thousand dollars and authorizing the Governor to appoint five commissioners for the purpose of purchasing and erecting a statue each of Henry Clay and William Goebel in the old hall of Representatives in the United States capitol building in Washington, D. C.

(7) S. B. 61. An act providing for the continuation of the geological, topographical and agricultural survey of the State of Kentucky, and for the continuation of topographical surveys in co-operation with the United States Geological Survey.

Ordered, that said bills be read the second time.

The provision of the Constitution as to the second reading of said bills at length being dispensed with, said bills were severally read the second time by their title.

Ordered, that said bills be re-committed as follows, viz.: First to the Committee on State Prisons and Houses of Reform; second

and third, to the Committee on Cities and Towns of the Fourth, Fifth and Sixth Classes, with leave to report at any time; fourth, to the Committee on Mines and Mining, with leave to report at any time; fifth, to the Committee on Appropriations, with leave to report at any time; sixth and seventh, to the Committee on Appropriations.

The House also took up for consideration from the calendar bills of the following titles, viz.:

S. B. 157. An act to amend section 4692 of the Kentucky Statutes, being a portion of chapter 126, title Treasurer—State.

S. B. 156. An act authorizing the court of appeals to appoint a commissioner of the court of appeals.

H. B. 176. An act to amend chapter 35, section 1031, of the edition of the Kentucky Statutes compiled and edited by John D. Carroll and issued in 1903.

H. B. 345. An act to amend section 20 of article 4 of an act entitled An act for the government of cities of the second class in the Commonwealth of Kentucky.

H. B. 358. An act to amend and re-enact section 3140, Kentucky Statutes.

H. B. 364. An act to amend section 3290 of chapter 89, of Kentucky Statutes, relative to third class cities, legislative department.

S. B. 98. An act to amend and reenact section 3219 of the Kentucky Statutes.

H. B. 46. An act to amend and re-enact sections 1 and 8 of article 8 of an act entitled An act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894, as amended by sections 1 and 2, respectively, of an act entitled An act to amend chapter 89 of the Kentucky Statutes, entitled "Municipal Corporations," which became a law without the approval of the Governor March 29, 1902, same being sections 3174 and 3181 of the Kentucky Statutes.

H. B. 311. An act to repeal the charter of Nepton, Fleming county, approved March 15, 1886.

H. B. 169. An act to prevent the obstruction of navigable streams.

H. B. 400. An act to require operators of certain ferries across the Ohio river to provide waiting rooms for their passengers.

H. B. 173. An act relating to boundary and taxation of graded common schools, and amending section 4482 of the Kentucky Statutes.

H. 8. 246. An act to amend section 4425 of the Kentucky Statutes relative to examinations for teachers' county and State certificates and State diplomas.

H. B. 172. An act to amend and ree-nact subsections 5 and 6 of section 4370, chapter 113, article 2, Kentucky Statutes.

H. B. 228. An act to amend section 2721 of Kentucky Statutes, entitled "Mills."

H. B. 297. An act to make certain contracts and agreements legal and enforceable by law.

H. B. 194. An act to amend and re-enact sections 1784 and 1785, Kentucky Statutes, chapter 48, title "Fences."

H. B. 213. An act to prevent the spread of hog cholera in this State.

H. B. 99. An act to require owners of dams across certain streams in this Commonwealth to construct and maintain fish ladders or roads across said dams and providing penalties for failure so to do.

H. B. 149. An act to amend section 2627 of the Kentucky Statutes, it being a portion of chapter 85 of the Kentucky Statutes, entitled "Medicine and Surgery."

H. B. 272. An act to restrict and regulate the sale of poisons and narcotics in this State.

H. B. 436. An act to appropriate the additional sum of $250,000 for the erection and completion of the capitol and other State buildings at the seat of government now under contract and course of construction.

H. B. 372. An act to amend an act amending section 965 of the Kentucky Statutes, which relates to the time of holding courts in the Twelfth Circuit Court District, approved March 25, 1904.

H. B. 294. An act to amend so much of section 925, Kentucky Statutes, as relates to the holding of courts in the Second Judicial District.

H. B. 374. An act authorizing the taking of depositions in shorthand (stenographic notes) in all of the courts of this Commonwealth and regulating the fees therefor.

H. B. 163. An act for the conservation and protection of oil and gas in the Commonwealth of Kentucky, and to prevent the flooding and consequent destruction of oil and gas under lands of another.

S. B. 124. An act to amend and re-enact sections 1546 and 1547 of the Kentucky Statutes.

S. B. 11. An act to further regulate elections and registrations in cities and towns of this Commonwealth.

H. B. 402. An act to amend an act entitled An act to establish a public school in Morganfield, in Union county, Kentucky, approved April 19, 1886.

H. B. 309. An act to amend section 3638 of the Kentucky Statutes.

H. B. 167. An act to amend section 3700 of the Kentucky Statutes so as to provide for the publication of ordinances of sixth-class towns.

H. B. 310. An act to amend section 3487 of the Kentucky Statutes.

H. B. 188. An act to amend section 4203 of the Kentucky Statutes so as to provide for the publication of applications for license to sell spirituous, vinous and malt liquors.

H. B. 243. An act to amend section 4143, Kentucky Statutes, by requiring sheriffs and tax collectors to advertise time taxes become due and penalties imposed for non-payment.

H. B. 321. An act relating to the sale of compounded, rectified, adulterated or blended distilled spirits, known and designated as single-stamped spirits and providing penalties for violation of its provisions.

H. B. 320. An act relating to revenue and taxation, providing for license taxes on compounded, rectified, adulterated or blended distilled spirits, known and stamped as single-stamped spirits, and providing penalties for violation of its provisions.

H. B. 204. An act relating to the evidence and damages in actions for libel.

H. B. 158. An act to amend and re-enact chapter 57, section 1941 of the Kentucky Statutes, protecting wild geese, teal and wild duck.

H. B. 267. An act for the protection of English, ring-neck, Mongolian and Chinese pheasants.

H. B. 249. An act for the benefit of the Kentucky Historical Society, appropriating annually $5,000 therefor and providing for postage and stationery supplies for the society, and providing for the publication of The Register magazine of the society.

H. B. 434. An act to prohibit any person from engaging in or conducting the business of private banking in this Commonwealth and to repeal all laws regulating said business.

H. B. 435. An act relating to the assessment and taxation of the shares of stock in trust companies, State and national banks in this Commonwealth.

H. B. 13. An act to further regulate corporations not created under the laws of this Commonwealth which do business in the State.

Ordered that said bills be severally read the second time.

The provision of the Constitution as to the second reading of said bills at length being dispensed with, said bills were severally read the second time by their titles.

Ordered, that said bills be placed in the orders of the day.

And then the House adjourned.

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THURSDAY, FEBRUARY 15, 1906.

The House opened with prayer by the Rev. J. O. A. Vaught, of the Methodist Episcopal Church, South.

The reading of the Journal of yesterday's proceedings was dispensed with and the same was approved.

Mr. James S. Morris presented a petition of sundry citizens of Oldham county asking the passage of

H. B. 244. An act concerning domestic life insurance companies.

Mr. Claybrooke presented a petition of sundry citizens of Washington county asking passage of above-named bill.

Mr. Barr presented a petition of sundry citizens of Marion county asking passage of above-named bill.

Mr. Thornton presented a petition of sundry citizens of Owen county asking passage of above-named bill.

Mr. Stewart presented a petition of sundry citizens of Calloway county asking passage of above-named bill.

Mr. Wright presented a petition of sundry citizens of Warren county asking passage of above-named bill.

Mr. Gabbard presented a petition of sundry citizens of Clay county asking passage of above-named bill.

Mr. Southall presented a petiton of sundry citizens of Christian county asking passage of above-named bill.

Mr. Bourne presented a petition of sundry citizens of Henry county asking passage of above-named bill.

Mr. Slattery presented a petition of sundry citizens of Louisville and Jefferson county asking passage of above-named bill.

Mr. Nall presented a petition of sundry citizens of Louisville and Jefferson county asking passage of above-named bill.

Mr. Robertson presented a petition of sundry citizens of Warren county asking passage of above-named bill.

Mr. Terry presented a petition of sundry citizens of Barren county asking passage of above-named bill.

Mr. Woodford presented a petition of sundry citizens of Bourbon county asking passage of above-named bill.

Said petitions were received, the reading dispensed with, and were referred to Committee on Insurance.

Mr. Russell moved that the vote by which the House adopted the report of the majority of the board in the contest case of Slaton v. Taggart, be reconsidered and that motion lie on the table.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Cain and Smith, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | A. J. Gorham, | J. M. Robertson, |
| Louis W. Arnett, | Paul Gullion, | S. M. Russell, |
| John Barr, | L. P. Head, | Ed. H. Shellman, |

| | | |
|---|---|---|
| E. Barry, | W. J. Jackson, | R. C. Simmons, |
| W. G. Baxter, | L. F. Johnson, | Emmet P. Slattery, |
| Roger P. Blair, | Geo. D. Litsey, | W. H. Southall, |
| H. Kirby Bourne, | H. M. McCarty, | Hub L. Stevens, |
| J. C. Byland, | M. H. McLean, | John A. Stevens, |
| Henry M. Cox, | Henry C. Miller, | C. C. Terry, |
| Henry W. Curle, | J. M. Mitchell, | John B. Wicker, |
| Charles I. Dawson, | James S. Morris, | Geo. S. Wilson, |
| Lawrence J. Diskin, | Ed. Mulcahy, | J. T. Wilson, |
| W. Reed Embry, | Ion B. Nall, | Munnell Wilson, |
| J. A. Frazier, | Henry G. Overstreet, | W. T. Wright, |
| W. J. Gooch, | C. M. Paynter, | Will A Young—45. |

Those who voted in the negative were—

| | | |
|---|---|---|
| B. O. Becker, | H. H. Griffin, | John R. Ray, |
| Peter Best, Jr., | John C. Griffith, | Richard S. Rose. |
| W. T. Cain, | B. P. Grigsby, Sr., | W. W. Smith, |
| M. F. Campbell, | W. C. Halbert, | A. J. Thompson, |
| N. B. Chipman, | Albert Hamilton, | Harry Weitkamp, |
| Bennett Clarke, | D. C. Hopper, | T. A. Weldon, |
| J. W. Clay, | W. H. Jones, | W. T. White, |
| H. K. Cole, | Wm. F. Klair, | Wm. Wilt, |
| W. H. Cole, | Virgil McKnight, | J. Hal Woodford, |
| A. L. Denny, | R. W. Miller, | James C. Yaden, |
| M. T. Freeman, | W. J. Osborne, | J. A. Yates—34. |
| Taylor P. Gabbard, | | |

Mr. T. J. Slaton, who was on yesterday adjudged to have been duly elected at the election held November 7, 1905, as Representative from the county of Muhlenberg, appeared at the bar of the House and took the oath as required by law. Thereupon, Mr. Slaton took his seat as a member of this House as Representative from the county of Muhlenberg.

Ordered, that the clerk place his name upon the roll of members of the House.

Mr. Alverson offered the following resolution, viz.:

Resolved, That there be paid to Hon. A. L. Denny, the sum of twelve and 69-100 dollars, amount of expenses incurred by him in

preparing and decorating the hall of this House for the observance of the birthday of Abraham Lincoln on February 12th inst., and same shall be paid as part of the contingent expenses of the House.

Said resolution was agreed to.

Mr. Johnson offered the following resolution, viz.:

Whereas, The majority report of the special committee of this House appointed to try the contest case of Slaton v. Taggart from Muhlenberg county, recommend the allowance of one hundred and fifty dollars each to the contestant and contestee for expenses and attorneys' fees; now, therefore, be it

Resolved, That the sum of one hundred and fifty dollars is hereby allowed to the contestant T. J. Slaton and the sum of one hundred and fifty dollars to the contestee D. P. Taggart for attorneys' fees and expenses of each. The same is hereby allowed as contingent expenses of this House and is declared to be such. The Auditor of Public Accounts is directed to draw his warrants upon the Treasurer for said sum in favor of the above-named parties, respectively, when certified to him by the clerk of the House, and a copy of this resolution will be sufficient certification of same.

Mr. Russell offered the following amendment to said resolution: Amend by striking out the figures "150" and inserting in lieu thereof "$200," so far as the same applies to the allowance to the contestee.

Said amendment was agreed to.

Mr. Johnson offered the following amendment to said resolution, viz.: Amend by adding $"25 for expenses of clerk of Muhlenberg county for two trips caring for ballot box."

Mr. McKnight offered the following substitute for said amendment, viz.: Amend by adding the following: "Resolved, That the sergeant-at-arms be directed to return to the proper authorities of Muhlenberg county all ballot boxes used in the contest case of Slaton v. Taggart."

Said substitute amendment was adopted.

Said amendment as amended by the substitute was then agreed to.

Said resolution as amended was agreed to.

Mr. Simmons moved that the substitute heretofore proposed by the committee on judiciary to a bill entitled

H. B. 325. An act to regulate the liability of employer to employes for injuries sustained by such employes while in the performance of their duty to their employes,

Be ordered printed.

Said motion was agreed to.

Mr. R. W. Miller called up for consideration from the clerk's desk a resolution, entitled

S. Res. 12. Resolution requesting Kentucky's Representatives in the United States Congress to use their influence for the preservation of Niagara Falls.

Said resolution was read and concurred in.

Mr. Russell, of the board heretofore drawn, selected and sworn to determine the contest to the right to a seat in this House as Representative from the county of Greenup, wherein W. T. Cole is contestant and C. W. G. Hannah is contestee, offered the following report of the majority of said board, viz.:

To the House of Representatives of Kentucky:

We, the undersigned members of the contest committee drawn to try the questions of law and fact arising and appertaining to the contest of W. T. Cole v. C. W. G. Hannah, the sitting member of the House from the Ninety-ninth Legislative District of Kentucky, beg leave to report as follows:

That the following committee composed of Representatives W. D. Claybrooke, Lloyd W. Gates, V. W. Morris, G. W. Stone, H. K.

Bourne, J. T. Wilson and S. M. Russell, did, on the 17th day of January, 1906, proceed to hear and determine said contest. Contestant and contestee were present at said hearings and were represented by counsel.

The contestee entered motion and moved the committee to dismiss the contest on two grounds, viz.: First, because notice of contest was not executed in the time required by statute; second, because the contestant, W. T. Cole, was holding the office of county judge of Greenup county, that being an office of trust and profit under the laws of this State and incompatible with the office of Representative of Kentucky.

Upon the first ground set forth in the motion, your committee is agreed that by section 1535 of the Kentucky Statutes, 1899 edition, which section has not been repealed by any later edition, the notice in the above-named case was not executed in time. Said section requires that notice be executed on contestee within fifteen days after final action of the board of canvassers.

Your committee is of the opinion that the issual of the certificate of election is the final action of the board of election commissioners.

The certificate of election in this case was issued to contestee on November 11th. Notice of contest was served on contestee on November 29th, eighteen days after the final action of the board.

Therefore, your committee sustained contestee's motion on the first ground set up therein.

Upon the second ground set forth in the motion your committee heard the oral proof of contestant Cole, in which he admitted that on the day of the election (November 7, 1905), prior thereto and until the first day of January, 1906, he was the duly appointed and acting judge of Greenup county, under the laws of Kentucky.

Section 38 of the Constitution of Kentucky provides that "each House of the General Assembly shall judge of the qualifications, elections and returns of its members, but a contested election shall be determined in such manner as shall be prescribed by law."

Section 3745 of the Kentucky Statutes was adopted for the pur-

pose of carrying into effect section 38 of the Constitution, which section of the statutes reads as follows: "A person holding an office, post or employment under this State or the United States, which is incompatible with a seat in the Legislature, shall not be voted for as Senator or Representative until he has resigned his office, post or employment nor until a duplicate of his resignation has been filed in the clerk's office of the court of the county in which he resides; and all votes given for him before such resignation is so filed shall be void."

The fact that the office of county judge is an office of trust and profit under this State and incompatible with the office of Representative is, in our judgment, well settled. It is clearly evident that the statute above quoted declares void all votes cast for W. T. Cole.

Therefore, there was but one thing for this committee to do, and that was to sustain contestee's motion and dismiss the contest, and this was accordingly done.

In reaching this conclusion your committee followed the precedent set in the following, to-wit.:

C. H. Callon v. W. J. A. Rardin, House Journal 1887-88, p. 186; J. W. McKinney v. J. C. Taylor, House Journal, 1900, page 220; H. S. Simms v. H. S. McNutt, Senate Journal, 1906, page —.

Your committee further reports that it has heard proof upon the question of costs and fees expended by the parties to this action; that they find some merit in the case of contestant and your committee recommends that said contestant be allowed the sum $50.00 as expenses in this case and $100.00 as a reasonable attorney's fee.

The contestee, C. W. G. Hannah, adduced proof that he had expended $50.00 in the preparation of his case, and that his attorney's fee was reasonably worth $150.00.

Therefore, your committee recommends that the contestee, C. W. G. Hannah, be allowed the sum of $50.00 for expenses and that he be allowed the sum of $150.00 for his attorney's fees.

In conclusion, your committee reports that as a result of its investigation, that notice was not served in the time required by

statute and that C. W. G. Hannah, contestee, received all the legal votes cast for Representative on November 7, 1905, viz.: 2,654, except those cast for B. F. Bennett, the independent candidate, viz.: 86, and was therefore elected to represent the 99th Legislative District in this branch of the General Assembly of Kentucky, and entitled to retain his seat.

We return, herewith, all the papers, and all the evidence offered to or considered by the committee.

All of which is most respectfully submitted to this Honorable body, this January 25, 1906.

S. M. RUSSELL, Chairman
V. W. MORRIS,
J. T. WILSON,
LLOYD W. GATES,
H. K. BOURNE,
W. D. CLAYBROOKE.

Mr. Stone of said board offered the following report of the minority of said board, viz.:

Before the House of Representatives of Kentucky:

MINORITY REPORT.

W. T. Cole, Contestant v. C. W. G. Hannah, Contestee.

As a member of the contest committee in the above styled case, I desire to offer to the House of Representatives of the State of Kentucky this, a minority report. There was never but two questions considered by the contest committee in this case, they being purely technical, and improperly decided is why I make this minority report. The first question raised by the contestee was as to the service of the notice, contestee maintaining that said notice had not been served, that is notice of contest had not been served, as the law required within fifteen days after the awarding of the certificate by the canvassing board. This as you will see, is purely technical. In reply to this contention contestant contends that notice was given

within fifteen days after the canvassing board had completed its work as such, but if the committee entertained the idea that such was not the case, the record clearly show that contestee filed his answer to the notice of the contestant controverting the grounds of said notice and setting up a separate defense, and by this act and in harmony with all laws, parts of laws, precedence and custom, contestee waived all his rights as to the sufficiency of notice.

The next frivolous question raised by contestee as a defense here in was the ineligibility of contestant to hold said office or to be voted for, for said office, contestee claiming or attempting to claim, or rather, attempting to plead, that the contestant at the time of said election was county judge of the county of Greenup. But this was not plead, as required by law, but merely asserted, and crudely stated, and was not plead as required by law. And besides, your body has no right at this time to consider the eligibility of contestant. Even if it was properly plead, and for that reason and other reasons herein stated I make this minority report. Feeling that the contestee was trying to win his case upon technicalities alone, I acquainted myself with the facts in this case, and I am sincerely of the opinion that the contestant may be in fact and in truth fairly elected and entitled to a seat upon the floor of this House. I therefore, earnestly urge that the majority report be overruled, and that this minority report be now accepted and that the merits of this case be entered into and considered by recommitting this case to the committee for such purpose.

GEO. W. STONE.

The question being taken upon the adoption of said minority report as a substitute for the report of the majority, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Young and Drewry, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Peter Best, Jr., | J. M. Robertson, | W. T. White, |
| Roger P. Blair, | T. J. Slaton, | John B. Wicker, |
| Henry M. Cox, | W. W. Smith, | W. T. Wright, |
| Paul Gullion, | George W. Stone, | Will A. Young—14. |
| M. M. Redwine, | C. F. Thornton, | |

Those who voted in the negative were—

| | | |
|---|---|---|
| J. M. Alverson, | A. J. Gorham, | Henry G. Overstreet, |
| Louis W. Arnett, | H. H. Griffin, | C. M. Paynter, |
| John Barr, | John C. Griffith, | John R. Ray, |
| E. Barry, | B. P. Grigsby, Sr., | Richard S. Rose, |
| W. G. Baxter, | James A. Hagan, | J. T. Royalty, |
| B. O. Becker, | W. C. Halbert, | S. M. Russell, |
| H. Kirby Bourne, | Albert Hamilton, | Ed. H. Shellman, |
| J. C. Byland, | L. P. Head, | R. C. Simmons, |
| Bennett Clarke, | D. C. Hopper, | Emmet P. Slattery, |
| W. D. Claybrooke, | W. J. Jackson, | W. H. Southall, |
| Sam. D. Cochran, | L. F. Johnson, | Hub L. Stevens, |
| H. K. Cole, | W. H. Jones, | John A. Stevens, |
| W. H. Cole, | Wm. F. Klair, | Zeb. A. Stewart, |
| Henry W. Curle, | Geo. D. Litsey, | C. C. Terry, |
| Charles I. Dawson, | Virgil McKnight, | A. J. Thompson, |
| A. L. Denny, | M. H. McLean, | Harry Weitkamp, |
| Lawrence J. Diskin, | Henry C. Miller, | T. A. Weldon, |
| Thomas Drewry, | R. W. Miller, | Geo. S. Wilson, |
| W. Reed Embry, | Chris. Mueller, | J. T. Wilson, |
| Robert Enlow, | J. M. Mitchell, | Munnell Wilson, |
| J. A. Frazier, | James S. Morris, | Wm. Wilt, |
| M. T. Freeman, | Ed. Mulcahy, | J. Hal Woodford, |
| Taylor P. Gabbard, | Ion B. Nall, | James G. Yaden—71. |
| W. J. Gooch, | W. J. Osborne, | |

The question being taken on the report of the majority of said board which was decided in the affirmative.

Mr. Russell moved that the vote by which said report of the majority was adopted be reconsidered and that said motion lie on the table.

Said motion was agreed to.

It was thereupon ordered and adjudged by the House that C. W. G. Hannah was at the election held on the 7th day of November, 1905, duly and regularly elected Representative from the county of Greenup, and as such is entitled to a seat in this House.

Mr. Russell offered the following resolution, viz.:

Be it resolved by the House of Representatives of Kentucky, That the report of its committee in the contest case of W. T. Cole v. C. W. G. Hannah, be and the same is hereby adopted, and be it further

Resolved, by the House of Representatives of Kentucky, That contestant be an he is hereby allowed the sum of $100.00 for attorney's fees and $50.00 for expenses, and that contestee, C. W. G. Hannah, be and he is hereby allowed the sum of $150.00 for attorney's fees, and the sum of $50.00 for his expenses in this contest, and same are hereby declared to be contingent expenses of the House of Representatives. The Auditor of Public Accounts is hereby directed to issue his warrants on the treasurer in favor of the above named persons, for said sums, when there is presented to him a voucher for same, which shall be a copy of this resolution, countersigned by the clerk of the House, which warrant the treasurer is directed to pay.

Mr. Young moved to amend said resolution by striking out the figures, $100.00, and inserting in lieu thereof, $150.00, so far as the same applies to the allowance made to contestant for attorney's fees.

Said motion was agreed to.

Said resolution as amended was then agreed to.

The Speaker of the House, the Hon. Henry R. Lawrence, announced the appointment of the following additional members on the committee on investigation under and by virtue of resolutions here-

tofore adopted by this House, viz.: Messrs. Johnson, Arnett, Drewry and George S. Wilson.

(For resolutions, see House Journal, February 1, and February 13, 1906.)

A message was received from the Senate, announcing that they had received official information that the Governor had approved and signed a resolution, entitled

S. Res. 2. Resolution providing for the payment of expenses of the revenue commission and its secretary.

That they had passed a bill which had originated in the House, entitled

H. B. 257. An act to enable cities of the first class to construct a comprehensive system for the disposition of sewerage.

That they had passed bills of the following titles, viz.:

1. S. B. 66. An act appropriating $2,000.00 for the purpose of restoring the monument to Daniel Boone in the Frankfort cemetery.

2. S. B. 100. An act creating a State Board of Agriculture, Forestry and Immigration, specifying the duties thereof and appropriating money therefor.

3. S. B. 166. An act to amend section 3637, Carroll's 1903 Kentucky Statutes, and thereby increase the powers of the city council of the cities of the fifth class.

Said bills were ordered to be printed and were by the Speaker referred,

One, to the Committee on Public Monuments and Historical Records.

Two, to the Committee on Fish, Game and Forestry

Three, to the Committee on Cities of the Fourth, Fifth and Sixth Classes.

At 12 o'clock M.

Mr. Arnett moved that the consideration of the orders of the day be postponed and that the House now proceed to the call of the standing committees.

Said motion was agreed to.

The committees to which the same had been referred, reported bills of the following titles, viz.:

By Mr. Redwine, of the Committee on Kentucky Statutes:

H. B. 370. An act to amend section 1136 of Kentucky Statutes.

By same:

H. B. 337. An act to repeal an act incorporating the town of Newfoundland in Elliott county.

By same:

H. B. 258. An act concerning cigarettes and cigarette material.

By same:

S. B. 2. An act to amend section 664, subdivision 3, article 4, chapter 32, Kentucky Statutes.

By same:

S. B. 3. An act to amend section 679, subdivision 3, article 4, chapter 32, Kentucky Statutes.

By same:

H. B. 84. An act requiring children to act in the support of their indigent parents.

By same:

H. B. 128. An act to further prevent trespass and depredation.

Said bills were severally read the first time at length, and ordered to be placed on the calendar.

By same:

H. B. 418. An act to amend article 2, of an act entitled, "An act concerning animals," approved May 1, 1893, being article 2, chapter 5 of the Kentucky Statutes.

Said bill was read the first time at length and under the rules was recommitted to the committee on appropriations.

By Mr. Shellman, of the Committee on Appropriations to which the same had been recommitted.

H. B. 14. An act for the benefit of the Kentucky School for the Deaf.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby appropriated out of the general revenue of the State, for the benefit of the Kentucky School for the Deaf, at Danville, Kentucky, the following named sums for the specific purposes named and set out herein, as follows:

§ 2. Whereas, The pupils' dining room of said school is overcrowded, and is too small to accommodate the present attendance, therefore, the sum of $5,800.00 is hereby appropriated to enlarge same, and to build a store-room, kitchen and bakery as per plans now prepared.

§ 3. Whereas, No appropriation has been made for seventeen years for painting, plumbing and repairing, all of which is now greatly needed to put said school in good condition, therefore, the sum of $1,500.00 is hereby appropriated for said purposes.

§ 4. Whereas, But one increase in the annual appropriation to pay teachers has been made in twenty years, during which time the number of teachers employed has more than doubled, and additional teachers being needed on account of the increased attendance, therefore, the sum of $3,000.00 is hereby annually appropriated in addition to the sums heretofore appropriated for said purpose.

§ 5. For the purpose of putting in new joists and flooring in the main buildings, the sum of $1,500.00 is appropriated.

§ 6. Whereas, Over three thousand feet of steam pipes are laid underground in trenches, making it difficult to discover and repair leaks, therefore, the sum of $3,800.00 is hereby appropriated to build a tunnel seven hundred and fifty feet in length, in which said steam pipes may be placed.

§ 7. For the purpose of putting in an electric light plant, wiring buildings, purchasing, fixtures, dynamos, engine, and all necessary equipment to make said plant complete, the sum of $7,500.00 is hereby appropriated.

§ 8. The money hereby appropriated shall be drawn on the demand or application of the board of commissioners of said school, and upon said application or demand duly signed by the president, treasurer and secretary of said board, being made to and upon him, the Auditor of Public Accounts shall draw his warrant or warrants on the treasurer of the State in favor of the treasurer of said school, for any sum or sums not exceeding the amounts hereby appropriated; and no part of said money shall be expended by said board, except for the purposes as above set forth.

Because of the urgent need of the improvements herein provided for, an emergency is declared to exist, and this act shall take effect from and after its approval by the Governor.

Ordered, that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

J. M. Alverson,
Louis W. Arnett,
John Barr,
E. Barry,
W. G. Baxter,
Charles C. Beard,
B. O. Becker,
Peter Best, Jr.,
H. Kirby Bourne,
J. C. Byland,
M. F. Campbell,
N. B. Chipman,
Bennett Clarke,
J. W. Clay,
W. D. Claybrooke,
Sam. D. Cochran,
H. K. Cole,
W. H. Cole,
Ed. Croan,
Henry W. Curle,
Charles I. Dawson,
A. L. Denny,
Lawrence J. Diskin,
Thomas Drewry,
W. Reed Embry,
Robert Enlow,
J. A. Frazier,
M. T. Freeman,
Taylor P. Gabbard,
A. J. Gorham,
H. H. Griffin,
B. P. Grigsby, Sr.,
Paul Gullion,
James A. Hagan,
Albert Hamilton,
C. W. G. Hannah,
L. P. Head,
D. C. Hopper,
W. J. Jackson,
Wm. F. Klair,
H. M. McCarty,
Virgil McKnight,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
Chris Mueller,
J. M. Mitchell,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
John R. Ray,
M. M. Redwine,
J. M. Robertson,
S. M. Russell,
Ed. H. Shellman,
R. C. Simmons,
T. J. Slaton,
Emmet P. Slattery,
W. W. Smith,
W. H. Southall,
Hub L. Stevens,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
C. C. Terry,
A. J. Thompson,
C. F. Thornton,
Harry Weitkamp,
T. A. Weldon,
W. T. White,
J. T. Wilson,
Munnell Wilson,
J. Hal Woodford,
W. T. Wright,
James C. Yaden,
J. A. Yates,
Will A. Young—80.

In the negative—none.

At 1:30 o'clock, the House adjourned until three o'clock this afternoon.

## AFTERNOON SESSION.

At three o'clock p. m., pursuant to a resolution heretofore adopted, the House met.

The House took up for consideration from the orders of the day, a bill entitled

H. B. 108. An act to amend section 4510, Kentucky Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 4510, Kentucky Statutes be amended by striking out of said section the words "but such suspension shall not deprive the district of any part or the full session of actual teaching," so that said section as amended shall read:

"Every teacher of a common school, including teachers of the graded common schools in cities of the fifth and sixth classes, who hold a State diploma, State certificate or county certificate, or who contemplate applying for certificate of qualification to teach in the common schools, shall attend the full session of the institute in his home county unless he is teaching in another county in which the institute is yet to be held, or has attended the institute of a county in which he has a contract to teach. In teaching in a county other than his home county, whose institute is yet to be held, he must attend the full session of the latter. The county superintendent shall revoke the certificate of any teacher who shall fail or neglect to attend the full session of the institute, unless the superintendent shall be fully satisfied that such failure has been caused by actual sickness or other disability; after the county institute has been held it shall be unlawful to grant any person a certificate to teach at any time during the school year, unless the said person shall have attended the full session of the institute of that or some other county during that school year, or unless the county superintendent shall be fully satisfied that the failure to attend the institute has been caused by sickness or other disability. During the institute there shall be a suspension of all schools in session. The time of actual attendance upon the institute in days and parts of days shall be accredited to the teacher, if the institute be held during the session of his school. At the close of the institute the county superintendent shall give to each teacher or other person in attendance a certificate of the number of days and parts of days that the teacher or other person had

attended, which certificate of attendance shall be filed by the teacher with the chairman of the board of trustees of the district, who shall make report thereof to the county superintendent at the time of reporting the school.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | A. J. Gerham, | J. M. Robertson, |
| Louis W. Arnett, | H. H. Griffin, | Richard S. Rose, |
| John Barr, | John C. Griffith, | J. T. Royalty, |
| E. Barry, | B. P. Grigsby, Sr., | S. M. Russell, |
| W. G. Baxter, | Paul Gullion, | R. C. Simmons, |
| Charles C. Beard, | Albert Hamilton, | T. J. Slaton, |
| B. O. Becker, | C. W. G. Hannah, | W. H. Southall, |
| H. Kirby Bourne, | D. C. Hopper, | Hub L. Stevens, |
| J. C. Byland, | W. J. Jackson, | John A. Stevens, |
| W. T. Cain, | L. F. Johnson, | Zeb. A. Stewart, |
| M. F. Campbell, | W. H. Jones, | George W. Stone, |
| J. W. Clay, | Wm. F. Klair, | Harry Weitkamp, |
| Sam. D. Cochran, | Virgil McKnight, | T. A. Weldon, |
| H. K. Cole, | M. H. McLean, | W. T. White, |
| W. H. Cole, | Henry C. Miller, | John B. Wicker, |
| Henry W. Curle, | R. W. Miller, | Geo. S. Wilson, |
| Charles I. Dawson, | J. M. Mitchell, | J. T. Wilson, |
| Lawrence J. Diskin, | James S. Morris, | Munnell Wilson, |
| Thomas Drewry, | Ed. Mulcahy, | Wm. Wilt, |
| W. Reed Embry, | Ion B. Nall, | J. Hal Woodford, |
| J. A. Frazier, | W. J. Osborne, | W. T. Wright, |
| Taylor P. Gabbard, | Henry G. Overstreet, | James C. Yaden, |
| W. J. Gooch, | C. M. Paynter, | J. A. Yates—69. |

Those who voted in the negative were—

N. B. Chipman, M. M. Redwine—2.

Resolved, That the title of said bill be as aforesaid.

Mr. R. W. Miller, moved that the vote by which said bill passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, bill, entitled

S. B. 79. An act to amend section 540, chapter 32 of Kentucky Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 540 of the Kentucky Statutes be, and the same is hereby, amended by adding to said section the following: "The corporation shall pay to the Secretary of State a fee of twenty-five cents per one hundred words for recording the articles of incorporation, said fees to be turned into the State treasury," so that said section, when amended, shall read as follows:

"§ 540. The articles shall be signed and acknowledged by the parties thereto before any officer authorized to take acknowledgments to deeds, and recorded in the county clerk's office of the county in which its principal office or place of business is to be located, and a copy thereof shall be filed and recorded in the office of the Secretary of State; and said articles, or a certified copy thereof, may be used as evidence in any action for or against such corporation; and all amendments thereto shall become a part of the original articles. The corporation shall pay to the Secretary of State a fee of twenty-five cents for one hundred words for recording the articles of incorporation, said fees to be turned into the State Treasury."

§ 2. Whereas, some doubt exists as to the right of the Secretary of State to charge for such recording, an emergency is hereby declared to exist, and this act shall take effect from and after its passage.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

J. M. Alverson,
Louis W. Arnett,
John Barr,
E. Barry,
W. G. Baxter,
Charles C. Beard,
B. O. Becker,
Peter Best, Jr.,
H. Kirby Bourne,
J. C. Byland,
W. T. Cain,
M. F. Campbell,
N. B. Chipman,
J. W. Clay,
W. D. Claybrooke,
Sam. D. Cochran,
H. K. Cole,
W. H. Cole,
Henry W. Curle,
Charles I. Dawson,
W. Reed Embry,
Robert Enlow,
J. A. Frazier,
Taylor P. Gabbard,
W. J. Gooch,
A. J. Gorham,
John C. Griffith,
B. P. Grigsby, Sr.,
Paul Gullion,
Albert Hamilton,
C. W. G. Hannah,
D. C. Hopper,
W. J. Jackson,
L. F. Johnson,
Wm. F. Klair,
Geo. D. Litsey,
Virgil McKnight,
R. W. Miller,
J. M. Mitchell,
James S. Morris,
Ed. Mulcahy,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
M. M. Redwine,
J. M. Robertson,
Richard S. Rose,
J. T. Royalty,
S. M. Russell,
Ed. H. Shellman,
R. C. Simmons,
Hub L. Stevens,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
C. C. Terry,
A. J. Thompson,
T. A. Weldon,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson,
J. Hal Woodford,
W. T. Wright,
James C. Yaden,
J. A. Yates—67.

Those who voted in the negative were—

Lawrence J. Diskin,
Emmet P. Slattery—2.

Resolved. That the title of said bill be as aforesaid.

Mr. Redwine moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill entitled

H. B. 323. An act to amend section 4545 of the Kentucky Statutes dispensing with the presence of the Secretary of State in court to identify certified copies of records from his office.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 4545 of the Kentucky Statutes (Carroll's Edition, 1903), be and the same is hereby amended, and when amended shall read as follows:

He shall have the custody of the books, records, deeds, maps and papers belonging to his office or that may be deposited therein and shall arrange and preserve the same. Copies of records and papers in his office certified by him under the seal of his office shall in all cases be recived as evidence in all the courts of this Commonwealth and have the same force and effect as the originals. When such certified copies of record are presented as evidence in any courts in this State in such cases the personal presence of the Secretary of State as a witness shall be dispensed with.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | W. J. Gooch, | Richard S. Rose, |
| Louis W. Arnett, | A. J. Gorham, | J. T. Royalty, |
| John Barr, | John C. Griffith, | S. M. Russell, |
| E. Barry, | B. P. Grigsby, Sr., | Ed. H. Shellman, |
| W. G. Baxter, | Paul Gullion, | R. C. Simmons, |
| Charles C. Beard, | James A. Hagan, | Emmet P. Slattery, |
| B. O. Becker, | W. C. Halbert, | W. W. Smith, |
| Peter Best, Jr., | Albert Hamilton, | W. H. Southall, |
| H. Kirby Bourne, | C. W. G. Hannah, | Hub L. Stevens, |
| J. C. Byland, | W. J. Jackson, | John A. Stevens, |
| M. F. Campbell, | L. F. Johnson, | Zeb. A. Stewart, |
| J. W. Clay, | Wm. F. Klair, | George W. Stone, |
| W. D. Claybrooke, | Geo. D. Litsey, | C. C. Terry, |
| Sam. D. Cochran, | Virgil McKnight, | A. J. Thompson, |
| H. K. Cole, | M. H. McLean, | Harry Weitkamp, |
| W. H. Cole, | Henry C. Miller, | T. A. Weldon, |
| Ed. Croan, | J. M. Mitchell, | W. T. White, |
| Henry W. Curle, | James S. Morris, | John B. Wicker, |
| Charles I. Dawson, | Ed. Mulcahy, | Geo. S. Wilson, |
| A. L. Denny, | Ion B. Nall, | J. T. Wilson, |
| Lawrence J. Diskin, | W. J. Osborne, | Munnell Wilson, |
| W. Reed Embry, | Henry G. Overstreet, | Wm. Wilt, |
| Robert Enlow, | C. M. Paynter, | J. Hal Woodford, |
| J. A. Frazier, | M. M. Redwine, | W. T. Wright, |
| Taylor P. Gabbard, | J. M. Robertson, | James C. Yader—75. |

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

Mr. Bourne moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill entitled

H. B. 135. An act to amend subsection 5, section 2412a, Kentucky Statutes, relating to public ditches and creeks.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That subsection 5, section 2412a, article 8, chapter 76, Kentucky Statutes, Carroll's Edition, 1903, be, and the same is hereby, amended by striking from said subsection 5 all the words between the word "and" in line 4, and the word "notify" in line 7, so that said subsection, when amended, shall read as follows:

"The judge of each county court shall in the months of April and November of each year, appoint a suitable person whose duty it shall be to inspect the said creeks in the county for which he was appointed, and he shall notify the owner of land upon which any obstruction is found to remove same within ten days thereafter, and upon the failure of the said owner of the said land to remove the said obstruction, the said inspector shall cause the same to be removed at the expense of the land owner, which expense shall be certified by the said inspector to the clerk of the county court, who shall place same, with all his fees in the case, on the tax books as an assessment on the land of such person, and same shall be a lien upon said land and shall be collected as other taxes."

§ 2. All acts or parts of acts in conflict with this act are, to the extent of such conflict, hereby repealed.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | Taylor P. Gabbard, | Richard S. Rose, |
| Louis W. Arnett, | W. J. Gooch, | J. T. Royalty, |
| John Barr, | A. J. Gorham, | S. M. Russell. |

E. Barry,
W. G. Baxter,
Charles C. Beard,
B. O. Becker,
Peter Best, Jr.,
H. Kirby Bourne,
J. C. Byland,
W. T. Cain,
M. F. Campbell,
N. B. Chipman,
W. D. Claybrooke,
Sam. D. Cochran,
H. K. Cole,
W. H. Cole,
Ed. Croan,
Henry W. Curle,
Charles I. Dawson,
A. L. Denny,
Lawrence J. Diskin,
W. Reed Embry,
Robert Enlow,
J. A. Frazier,
M. T. Freeman,
John C. Griffith,
B. P. Grigsby, Sr.,
Paul Gullion,
James A. Hagan,
W. C. Halbert,
Albert Hamilton,
C. W. G. Hannah,
D. C. Hopper,
L. F. Johnson,
W. H. Jones,
Wm. F. Klair,
Geo. D. Litsey,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
J. M. Mitchell,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
M. M. Redwine,
J. M. Robertson,
R. C. Simmons,
Emmet P. Slattery,
W. W. Smith,
W. H. Southall,
Hub L. Stevens,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
C. C. Terry,
A. J. Thompson,
C. F. Thornton,
Harry Weitkamp,
T. A. Weldon,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson,
Wm. Wilt,
J. Hal Woodford,
W. T. Wright,
James C. Yaden,
J. A. Yates—79.

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

Mr. Stone moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideraton, from the orders of the day, a bill, entitled

H. B. 114. An act to amend section 1846, Kentucky Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1846 of the Kentucky Statutes, which is as follows, to-wit:

"§ 1846. It shall be the duty of the fiscal court of each county to cause to be published, annually, in one newspaper published in the county, but if there is no such paper published in the county, in such form as they deem proper, a statement showing the financial condition of the county, which statement shall include a list of the claims and amounts thereof allowed against the county during the preceding year, and to whom allowed, and the names of all persons returned by the sheriff on his return of tax warrants, and the amounts due from each for the preceding year, with such other information as it may deem proper to have published."

Be amended so as to read as follows:

"It shall be the duty of the fiscal court of each county to cause to be published, annually, in one newspaper published in said county, a statement showing the financial condition of the county, which statement shall include a list of the claims and amounts thereof allowed against the county during the preceding year, and to whom allowed, and the names of all persons returned by the sheriff on his return of tax warrants, and the amounts due from each for the preceding year, with such other information as it may deem proper to have published; but if there is no paper published in the county, then the publication shall be made in such form as the fiscal court may deem proper. The fiscal court, and each member thereof, in any county that fails or refuses to cause to be published the information required by this section and in the manner herein provided, shall be fined fifty dollars for each offense, to be recovered by indictment in the circuit court."

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in ac-

cordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | Taylor P. Gabbard, | J. M. Robertson, |
| Louis W. Arnett, | A. J. Gorham, | Richard S. Rose, |
| John Barr, | John C. Griffith, | J. T. Royalty, |
| E. Barry, | B. P. Grigsby, Sr., | S. M. Russell, |
| W. G. Baxter, | Paul Gullion, | Ed H. Shellman, |
| B. O. Becker, | James A. Hagan, | R. C. Simmons, |
| Peter Best, Jr., | W. C. Halbert, | Emmet P. Slattery, |
| Roger P. Blair, | Albert Hamilton, | W. W. Smith, |
| H. Kirby Bourne, | C. W. G. Hannah, | W. H. Southall, |
| J. C. Byland, | D. C. Hopper, | Hub L. Stevens, |
| W. T. Cain, | W. J. Jackson, | John A. Stevens, |
| M. F. Campbell, | L. F. Johnson, | Zeb. A. Stewart, |
| N. B. Chipman, | W. H. Jones, | George W. Stone, |
| J. W. Clay, | Wm. F. Klair, | C. C. Terry, |
| W. D. Claybrooke, | Geo. D. Litsey, | A. J. Thompson, |
| Sam. D. Cochran, | Virgil McKnight, | C. F. Thornton, |
| H. K. Cole, | M. H. McLean, | Harry Weitkamp, |
| W. H. Cole, | Henry C. Miller, | T. A. Weldon, |
| Ed. Croan, | R. W. Miller, | W. T. White, |
| Henry W. Curle, | J. M. Mitchell, | John B. Wicker, |
| Charles I. Dawson, | James S. Morris, | Geo. S. Wilson, |
| A. L. Denny, | Ed. Mulcahy, | J. T. Wilson, |
| Lawrence J. Diskin, | Ion B. Nall, | Munnell Wilson, |
| W. Reed Embry, | W. J. Osborne, | Wm. Wilt. |
| Robert Enlow, | Henry G. Overstreet, | J. Hal Woodford, |
| J. A. Frazier, | C. M. Paynter, | W. T. Wright, |
| M. T. Freeman, | M. M. Redwine, | James C. Yaden, |
| | | J. A. Yates—82. |

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

The House took up for consideration, from the orders of the day, a bill, entitled

S. B. 123. An act relating to the possession of land and inter-

ests therein, where there has been or may be a severance of the mineral or other interests from the surface.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Wherever the mineral or other interests in or rights appurtenant to land in this Commonwealth have heretofore passed, or shall hereafter pass, in any way, from a claimant in possession of the surface of said land, the continuity of the possession of such mineral interests and rights shall not be deemed thereby to have been, or to be, broken; but the possession of the surface by the original claimant thereof, from whom such mineral, interests or rights passed, or by those claiming through or under him, or by virtue of a judgment against him in an action to which the holder of said mineral, interests or rights is not a party, shall be deemed to have been and hereafter to be the possession of such mineral, interests and rights in said land for the benefit of said person, his heirs and assigns, to whom said mineral interests or rights have or shall have passed as aforesaid.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | W. J. Gooch, | J. M. Robertson, |
| Louis W. Arnett, | A. J. Gorham, | Richard S. Rose, |
| John Barr, | John C. Griffith, | J. T. Royalty, |
| W. G. Baxter, | B. P. Grigsby, Sr., | S. M. Russell, |
| Charles C. Beard, | James A. Hagan, | Ed. H. Shellman, |

B. O. Becker,
Roger P. Blair,
H. Kirby Bourne,
J. C. Byland,
W. T. Cain,
M. F. Campbell,
N. B. Chipman,
J. W. Clay,
W. D. Claybrooke,
Sam. D. Cochran,
H. K. Cole,
W. H. Cole,
Ed. Croan,
Henry W. Curle,
Charles I. Dawson,
A. L. Denny,
Lawrence J. Diskin,
Thomas Drewry,
Robert Enlow,
J. A. Frazier,
Taylor P. Gabbard,
W. C. Halbert,
Albert Hamilton,
W. J. Jackson,
L. F. Johnson,
W. H. Jones,
Wm. F. Klair
Geo. D. Litsey,
Virgil McKnight,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
J. M. Mitchell,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
John R. Ray,
M. M. Redwine,
R. C. Simmons,
Emmet P. Slattery,
W. H. Southall,
Hub L. Stevens,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
C. C. Terry,
A. J. Thompson,
C. F. Thornton,
Harry Weitkamp,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson,
Wm. Wilt,
W. T. Wright,
James C. Yaden,
J. A. Yates—76.

In the negative—none

Resolved, That the title of said bill be as aforesaid.

Mr. Redwine moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 74. An act to amend section 900 of the Kentucky Statutes, concerning costs.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 900 of the Kentucky Statutes be amended by

inserting therein the word "that," and by striking out therefrom the words "and has ample estate to pay for same." So that said section shall read as follows:

"In actions for alimony and divorce, the husband shall pay the costs of each party, unless it shall be made to appear in the action that the wife is in fault."

Mr. Johnson offered the following amendment to said bill, viz.:

Amend by adding "or in case the cause for divorce is separation for five years."

Said amendment was disagreed to.

Mr. Drewry moved that said bill lie on the table.

Said motion was disagreed to.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | A. J. Gorham, | Ed. H. Shellman, |
| Louis W. Arnett, | Paul Gullion, | R. C. Simmons, |
| John Barr, | James A. Hagan, | Emmet P. Slattery, |
| E. Barry, | W. C. Halbert, | W. W. Smith, |
| W. G. Baxter, | C. W. G. Hannah, | W. H. Southall, |
| Charles C. Beard, | L. P. Head, | John A. Stevens, |
| B. O. Becker, | D. C. Hopper, | Zeb. A. Stewart, |
| Peter Best, Jr., | L. F. Johnson, | George W. Stone, |
| Roger P. Blair, | M. H. McLean, | C. C. Terry, |
| W. T. Cain, | J. M. Mitchell, | A. J. Thompson, |
| M. F. Campbell, | James S. Morris, | C. F. Thornton, |
| Sam. D. Cochran, | Ed. Mulcahy, | Harry Weitkamp, |

| | | |
|---|---|---|
| W. H. Cole, | Ion B. Nall, | T. A. Weldon, |
| Ed. Croan, | W. J. Osborne, | W. T. White, |
| Henry W. Curle, | John R. Ray, | Geo. S. Wilson, |
| Charles I. Dawson, | M. M. Redwine, | J. T. Wilson, |
| Lawrence J. Diskin, | Richard S. Rose, | Munnell Wilson, |
| J. A. Frazier, | S. M. Russell, | Hal J. Woodford—54. |

Those who voted in the negative were—

| | | |
|---|---|---|
| H. Kirby Bourne, | W. J. Jackson, | Henry G. Overstreet, |
| J. C. Byland, | Wm. F. Klair, | C. M. Paynter, |
| N. B. Chipman, | Geo. D. Litsey, | J. M. Robertson, |
| J. W. Clay, | H. M. McCarty, | John B. Wicker, |
| W. D. Claybrooke, | Henry C. Miller, | W. T. Wright, |
| Robert Enlow, | R. W. Miller, | James G. Yaden—19. |
| John C. Griffith, | | |

Resolved, That the title of said bill be as aforesaid.

Mr. Slattery moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 122. An act to amend section 1933, Kentucky Statutes, concerning proclamations by Governor of rewards for fugitives from justice.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1933 of the Kentucky Statutes which now reads as follows:

"Whenever the Governor shall issue his proclamation offering a reward for a fugitive from justice, or any one charged with crime, he shall designate in his proclamation the jail to which the prisoner shall be delivered, and it need not be the jail of the county where the

offense was committed, and may order the same published in a newspaper or not, as he shall deem proper under the circumstances and to the interest of the Commonwealth; and if he shall order the same so published, he shall designate the paper or papers in which the publication shall be made and the number of times it shall be inserted. The account for such publication, with the approval of the Governor indorsed thereon, shall be paid out of the State Treasury," be, and the same is hereby, amended, so that it will read as follows:

"Whenever the Governor shall issue his proclamation offering a reward for a fugitive from justice, or any one charged with crime he shall designate in his proclamation the jail to which the prisoner shall be delivered, and it need not be the jail of the county where the offense was committed, and may order the same published in a newspaper or not, as he shall deem proper under the circumstances and to the interest of the Commonwealth; and if he shall order the same so published, he shall designate the paper or papers in which the publication shall be made, and the number of times it shall be inserted, and if there is a paper of general circulation published in the county in which the crime was committed the proclamation shall be published in said paper. The account for such publication, with the approval of the Governor indorsed thereon, shall be paid out of the State Treasury."

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | M. T. Freeman, | John R. Ray, |
| Louis W. Arnett, | Taylor P. Gabbard, | J. M. Robertson, |
| John Barr, | W. J. Gooch, | Richard S. Rose, |

E. Barry,
W. G. Baxter,
Charles C. Beard,
B. O. Becker,
Peter Best, Jr.,
Roger P. Blair,
H. Kirby Bourne,
J. C. Byland,
W. T. Cain,
M. F. Campbell,
J. W. Clay,
W. D. Claybrooke,
Sam. D. Cochran,
W. H. Cole,
Henry M. Cox,
Ed. Croan,
Henry W. Curle,
Charles I. Dawson,
A. L. Denny,
Lawrence J. Diskin,
W. Reed Embry,
Robert Enlow,
J. A. Frazier,
A. J. Gorham,
H. H. Griffin,
John C. Griffith,
Paul Gullion,
James A. Hagan,
Albert Hamilton,
C. W. G. Hannah,
L. P. Head,
W. J. Jackson,
L. F. Johnson,
Wm. F. Klair,
Geo. D. Litsey,
H. M. McCarty,
M. H. McLean,
R. W. Miller,
J. M. Mitchell,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
J. T. Royalty,
S. M. Russell,
Ed. H. Shellman,
Emmet P. Slattery,
W. H. Southall,
Hub L. Stevens,
Zeb. A. Stewart,
George W. Stone,
C. C. Terry,
A. J. Thompson,
C. F. Thornton,
Harry Weitkamp,
T. A. Weldon,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson,
J. Hal Woodford,
W. T. Wright,
James C. Yaden,
J. A. Yates—76.

In the negative—M. M. Redwine.

Resolved, That the title of said bill be as aforesaid.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 121. An act to amend section 189, article 3, chapter 6, Criminal Code.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That subsection 1 of section 189, of article 3, chapter 6, of the Criminal Code, the subsection being part of the act of May 15, 1886, be, and the same is hereby, amended by inserting immediately

after words 'As if he was personally present," the following words:

"That such impeachment may be had by contradictory evidence, by evidence that the absent witness has made statements different from his present testimony, by evidence that his general reputation for untruthfulness or immorality renders absent witness unworthy of belief; but not by evidence of particular wrongful acts, except that it may be shown by the testimony of any other witness or by a record of a judgment that the absent witness has been convicted of felony. The Commonwealth shall be permitted to show different statements made by the absent witness or witnesses, without laying any foundation such as is required when the witness is present in person, and without the necessity of examining or questioning the absent witness as to making by him of different statements," so that the subsection when so amended shall read in full as follows:

"That whenever, in any criminal or penal action pending in any of the courts of this Commonwealth, an application shall be made by the defendant for a continuance, based upon affidavits stating the absence of one or more material witnesses, and the facts which such absent witness or witnesses would, if present, prove, the attorney for the Commonwealth shall not be compelled, in order to prevent a continuance, to admit the truth of the matter which it is alleged in the affidavit such absent witness or witnesses would prove, but only that such absent witness or witnesses would, if present testify as alleged in the affidavit. In which event the defendant may, on the trial, read such affidavit as the deposition of such absent witness or witnesses, subject, however, to exception for irrelevancy or incompetency; and the attorney for the Commonwealth shall be permitted to controvert the statements of such affidavit so read by other evidence, and to impeach such absent witness or witnesses to the same extent as if he were personally present; that such impeachment may be had by contradictory evidence, by evidence that the absent witness has made statements different from his present testimony by evidence that his general reputation for untruthfulness or immorality renders absent witness unworthy of belief; but not by evidence of particular wrongful acts, except that it may be shown by the

testimony of any other witness or by a record of a judgment that the absent witness has been convicted of felony. The Commonwealth shall be permitted to show different statements made by the absent witness or witnesses, without laying any foundation such as is required when the witness is present in person, and without the necessity of examining or questioning the absent witness as to making by him of different statements: Provided, however, The court may, when, from the nature of the case, it shall be of opinion that the ends of justice require it, grant a continuance, unless the attorney for the Commonwealth will admit the truth of the matter which it is alleged in the affidavit such absent witness or witnesses would testify to.

§ 2. It appearing that the ends of justice require the enforcement of the above amendment in pending trials as early as possible, therefore an emergency is declared to exist and this act shall be in force from and after its passage.

Mr. Drewry moved that said bill lie on the table.

Said motion was agreed to.

And so said bill was rejected.

The House took up for consideration, from the orders of the day, a bill, entitled.

H. B. 76. An act to amend and re-enact an act to provide for the inspection of nursery stock, and to prevent the dissemination of noxious insects and fungi.

Ordered that said bill be recommitted to the committee on appropriations.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 215. An act dividing the State of Kentucky into thirty-eight Senatorial districts.

Mr. Klair moved that the further consideration of said bill be

postponed, and that same be made the special order of the day, for Wednesday, February 28, 1906, at 11 o'clock a. m.

Said motion was agreed to.

And then the House adjourned.

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FRIDAY, FEBRUARY 16, 1906.

The House opened with prayer by the Rev. E. M. Crowe, of the Presbyterian church, Southern Assembly.

Mr. Speaker Lawrence in the chair and presiding.

The reading of the Journal of yesterday's proceedings was dispensed with and the same was approved.

Upon a call of the counties and Representative districts, bills were introduced, ordered to be printed and referred as follows, viz.:

By Mr. Byland:

H. B. 460. An act to repeal an act, entitled "An act concerning the assessment and valuation for taxation of corporate franchises and intangible property by cities of the first and second class."

Referred to the Committee on Municipalities.

By Mr. Croan:

H. B. 461. An act to regulate steam automobiles in this State.

Referred to the Committee on Agriculture.

By Mr. Stewart:

H. B. 462. An act to amend and re-enact section 4423 of Carroll's 1903, Kentucky Statutes, relating to the adoption of text books in the common schools.

Referred to the Committee on Judiciary.

By Mr. Gabbard:

H. B. 463. An act providing for the disposition of sawlogs, trees, cross ties or other timber drifted along the streams of the Commonwealth of Kentucky.

Referred to the Committee on Proposition and Grievances.

By Mr. Gorham:

H. B. 464. An act to authorize counties in which are situated cities of the second class to appropriate money in aid of professional education.

Referred to the Committee on Court of Appeals.

By Mr. Wicker:

H. B. 465. An act to amend chapter 40, section 1409, subsection 1, Kentucky Statutes, relating to fees for taking up rafts, fleets of timber, etc.

Referred to the Committee on Proposition and Grievances.

By Mr. Hannan:

H. B. 466. An act to amend section 42, of the Constitution of Kentucky, relating to the length of the session of the Legislature.

By Mr. McLean:

H. B. 467. An act to amend section 3646, Kentucky Statutes.

Referred to the Committee on Municipalities.

By Mr. Barr:

H. B. 468. An act to amend section 4289, Kentucky Statutes, with reference to opening and closing of public roads.

Referred to the Committee on Internal Improvements.

By Mr. McKnight:

H. B. 469. An act to further regulate the time of holding courts in the nineteenth, twentieth and thirty-second judicial districts, and amending an act.

Referred to the Committee on Circuit Courts.

By Mr. Russell:

H. B. 470. An act to amend section 27, chapter 47, of the acts of 1894, being section 4313 of Kentucky Statutes, which said section, chapter and act was approved March 10, 1904, and relates to public roads.

Referred to the Committee on Internal Improvements.

By same:

H. B. 471. An act making the declarations of a decedent inadmissible in certain cases.

Referred to the Committee on Judiciary.

By Mr. Robertson:

H. B. 472. An act entitled an act, relating to the recording of written instruments by clerks of county courts.

Referred to the Committee on County and City Courts.

By Mr. Mulcahy:

H. B. 473. An act for the benefit of the taxpayer.

Referred to the Committee on Revenue and Taxation.

By Mr. Young:

H. B. 474. An act to amend an act, entitled "Bills," which became a law March 29, 1902, and is now section 2721, Kentucky Statutes.

Referred to the Committee on Kentucky Statutes.

By Mr. Southall:

H. B. 475. An act providing for the prosecution of officers against the city ordinances of cities of the third class.

Referred to the Committee on Municipalities.

By same:

H. B. 476. An act to amend an act, entitled the charters of the cities of the third class.

Referred to the Committee on Municipalities.

Mr. Cochran presented a petition of sundry citizens of Fulton county, asking the passage of H. B. 244. An act concerning domestic life insurance companies.

Mr. Alverson presented a petition of sundry citizens of Lincoln county, asking the passage of above named bill.

Said petitions were received, the reading dispensed with and were referred to the committee on insurance.

Mr. McKnight offered the following resolution, viz.:

Resolved, By the House of Representatives, that the expenses of J. C. Byland and W. D. Claybrooke, who were appointed by Speaker Henry R. Lawrence to attend the insurance commission that met in Chicago, Ill., on the — day of February, 1906, amounting to $116.50, be paid.

And that when the clerk certifies to the Auditor of Public Accounts the auditor will draw his warrant on the treasurer for said amount in favor of J. C. Byland and W. D. Claybrooke.

Said resolution was agreed to.

Mr. Hannah offered the following concurrent resolution, viz.:

Whereas, The citizens of this Commonwealth, as well as the citizens of the whole nation, recognizing in Abraham Lincoln, born and partly reared upon Kentucky soil, one of the greatest statesmen whose life is connected with American history; and

Whereas, He is universally recognized to be the preserver of this Union, and to have been a benevolent friend of the great common people both North and South; and

Whereas, We, the members of the General Assembly of Kentucky, do believe there is due the State to which the illustrious and immortal Lincoln owes his birth some lasting emblem of gratitude and recognition; therefore, be it

Resolved, That the members of the National House of Representatives and the Senate representing this Commonwealth be requested to secure an appropriation from the treasury of the United States sufficient to purchase and convert the farm upon which Abraham Lincoln was born in Larue county, Kentucky into a national park appropriate as a monument to the memory and birthplace of this great and illustrious president. Be it further

Resolved, That a copy of this resolution be mailed to each of the Representatives of this Commonwealth in both Houses of the National Congress at Washington.

Said resolution was read and lies over

Mr. Dawson offered the following resolution, viz.:

Whereas, In the contested election case of Dailey v. Drewry, for a seat on the floor of this House from the fifty-first legislative district an order was made by the chairman of the committee, drawn and sworn to by said contest committee, directing the Columbia Finance and Trust Company to deliver to said committee the ballot boxes of the twentieth and twenty-fifth precinct of the twelfth ward of the city of Louisville; and

Whereas, In compliance with said order the said Columbia Finance and Trust Company did deliver to the committee said ballot boxes at a cost of $16, including the return of same now, therefore be it

Resolved, That the Auditor of Public Accounts be directed to draw his warrant for said sum of $16 upon the treasurer in favor of said Columbia Finance and Trust Company upon the presentation

of a proper voucher therefor by this resolution when signed by the clerk shall be deemed such voucher, said money to be paid and certified as a contingent expense of this House.

Said resolution was agreed to.

Mr. Byland offered the following resolution, viz.:

Resolved, That this House meet with the Senate in their chamber in committee of the whole next Tuesday at eleven d'clock, for the purpose of discussing insurance legislation.

Mr. James S. Morris moved that said resolution lie on the table.

Said motion was agreed to.

Mr. R. W. Miller offered the following resolution, viz.:

Whereas, There is about to assemble in the city of Washington, D. C., a Congress of delegates for the purpose of discussing and if possible agreeing upon a uniform law to be recommended to the several States of the United States upon the subject of divorce; and whereas three delegates have been heretofore appointed to attend said congress as representatives of Kentucky, and whereas it is the sense of the General Assembly that the labors of said delegates, will be greatly advanced and much good accomplished by the attendance of the Governor of this Commonwealth at said congress; therefore be it

Resolved by the House of Representatives, That Gov. J. C. W. Beckham be invited to accompany said delegates as one of the Representatives from this Commonwealth, at the said congress of delegates.

Said resolution was agreed to.

Mr. R. W. Miller moved that the vote by which a bill entitled

H. B. 215. An act dividing the State of Kentucky into thirty-eight Senatorial Districts was made a special order for February 28th at 11 o'clock a. m., be reconsidered.

Said motion was agreed to.

By unanimous consent the House took up for consideration said bill.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the State of Kentucky is hereby divided in thirty-eight Senatorial Districts, as follows, to-wit:

The First District shall be composed of the counties of Hickman, Fulton and Graves.

Second District of the counties of McCracken, Marshall, Ballard and Carlisle.

Third District of the counties of Lyon, Livingston, Calloway and Trigg.

Fourth District of the counties of Caldwell, Crittenden and Webster.

Fifth District of the counties of Henderson and Union.

Sixth District of the counties of Christian and Hopkins.

Seventh District of the counties of Ohio, Muhlenberg and Butler.

Eighth District of the counties of Daviess and McLean.

Ninth District of the counties of Logan, Simpson and Todd.

Tenth District of the counties of Breckinridge, Hancock, and Meade.

Eleventh District of the counties of Warren, Allen and Edmonson.

Twelfth District of the counties of Hardin, Grayson and Bullitt.

Thirteenth District of the counties of Hart, Larue and Green.

Fourteenth District of the counties of Nelson, Shelby and Spencer.

Fifteenth District of the counties of Marion, Washington and Taylor.

Sixteenth District of the counties of Clinton, Cumberland, Adair, Russell and Wayne.

Nineteenth District of the counties of Barren, Metcalfe and Monroe.

Twentieth District of the counties of Anderson, Franklin and Mercer.

Twenty-first District of the counties of Henry, Oldham, Trimble and Carroll.

Twenty-second District of the counties of Woodford, Scott and Jessamine.

Twenty-third District of the counties of Gallatin, Boone and Owen.

Twenty-fourth District of the county of Kenton.

Twenty-fifth District of the county of Campbell.

Twenty-sixth District of the counties of Bracken, Pendleton and Grant.

Twenty-seventh District of the county of Fayette.

Twenty-eighth District of the counties of Bourbon, Clark and Montgomery.

Twenty-ninth District of the counties of Madison, Estill, Powell and Lee.

Thirtieth District of the counties of Nicholas, Harrison and Robertson.

Thirty-first District of the counties of Mason and Lewis.

Thirty-second District of the counties of Boyd, Greenup, Lawrence and Elliott.

Thirty-third District of the counties of Perry, Letcher, Clay Harlan, Floyd, Pike, Knott, Leslie, Martin and Johnson.

Thirty-fourth District of the counties of Magoffin, Breathitt, Morgan, Wolfe and Owsley.

Thirty-fifth District of the counties of Rowan, Bath, Fleming, Carter and Menefee.

Thirty-sixth District of the first Senatorial District of the county of Jefferson, embracing the territory outside of the corporate limits of the city of Louisville and the first and second wards of said city.

Thirty-seventh District of the Second Senatorial District of

the county of Jefferson, embracing the third, fourth, fifth, sixth and seventh wards of the city of Louisville.

Thirty-eighth District of the Third Senatorial District of the county of Jefferson, embracing the eighth, ninth, tenth and eleventh wards of the city of Louisville.

The substitute as heretofore proposed for said bill by the committee on Kentucky Statutes, is as follows, viz.:

An act dividing the State of Kentucky into Thirty-eighth Senatorial Districts:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the State of Kentucky is hereby divided in thirty-eight Senatorial Districts, as follows, to-wit.

The First District shall be composed of the counties of Hickman, Fulton and Graves.

Second District of the counties of McCrackin, Marshall, Ballard and Carlisle.

Third District of the counties of Lyon, Livingston, Calloway and Trigg.

Fourth District of the counties of Caldwell, Crittenden and Webster.

Fifth District of the counties of Henderson and Union.

Sixth District of the counties of Christian and Hopkins.

Seventh District of the counties of Ohio, Muhlenberg and Butler.

Eighth District of the counties of Davis and McLean.

Ninth District of the counties of Lagan, Simpson and Todd.

Tenth District of the counties of Breckinridge, Hancock and Meade.

Eleventh District of the counties of Warren, Allen and Edmonson.

Twelfth District of the counties of Hardin, Grayson and Bullitt.

Thirteenth District of the counties of Hart, Larue and Green.

Fourteenth District of the counties of Nelson, Shelby and Spencer.

Fifteenth District of the counties of Marion, Washington and Taylor.

Sixteenth District of the counties of Clinton,, Cumberland, Adair, Russell and Wayne.

Seventeenth District of the counties of Laurel, Pulaski, Whitley, Knox, Bell, Jackson and Rockcastle.

Eighteen District of the counties of Lincoln, Boyle, Garrard and Casey.

Nineteenth District of the counties of Barren, Metcalfe and Monroe.

Twentieth District of the counties of Anderson, Franklin and Mercer.

Twenty-first District of the counties of Henry, Oldham, Trimble and Carroll.

Twenty-second District of the counties of Woodford, Scott and Jessamine.

Twenty-third District of the counties of Gallatin, Boone and Owen.

Twenty-fourth District of the county of Kenton.

Twenty-fifth District of the county of Campbell.

Twenty-sixth District of the counties of Bracken, Pendleton and Grant.

Twenty-seventh District of the county of Fayette.

Twenty-eighth District of the counties of Bourbon, Clark and Montgomery.

Twenty-ninth District of the counties of Madison, Estill, Powell, Lee and Owsley.

Thirtieth District of the counties of Nicholas, Harrison and Robertson.

Thirty-first District of the counties of Greenup and Lewis.

Thirty-second District of the counties of Boyd, Lawrence and Elliott.

Thirty-third District of the counties of Perry, Letcher, Clay, Harlan, Floyd, Pike, Leslie, Martin and Johnson.

Thirty-fourth District of the counties of Magoffin, Breathitt, Morgan, Wolfe and Knott.

Thirty-fifth District of the counties of Rowan, Bath, Fleming, Carter, Menefee and Mason.

Thirty-sixth District of the First Senatorial District of the county of Jefferson, embracing the territory outside of the corporate limits of the city of Louisville, and the first and second wards of said city.

Thirty-seventh District of the second Senatorial District of the county of Jefferson, embracing the third, fourth, fifth, sixth and seventh wards of the city of Louisville.

Thirty-eighth District of the third Senatorial District of the county of Jefferson, embracing the eighth, ninth, tenth, eleventh and twelfth wards of the city of Louisville.

Mr. R. W. Miller proposed the following amendments to said substitute, viz.:

Amend the substitute by adding at the end of line 24, on page 1, (seventeenth district) the words "and Lee."

Amend the substitute by adding at the end of line 27, page 2, (33d district) the words "and Owsley."

Amend the substitute by striking out of line 21, page 2, (20th district) the words "Lee and Owsley."

Amend by striking out Mason county from the 35th Senatorial district and adding it to the 31st Senatorial district.

Said amendments were severally agreed to.

Said substitute as amended was then agreed to.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with and same being engrossed, said bill was read the third time by its title and as amended passed.

The yeas and nays being taken on the passage of said bill in accordance with a provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | James A. Hagan, | J. T. Royalty, |
| Louis W. Arnett, | J. A. Hamon, | S. M. Russell, |
| John Barr, | L. P. Head, | Ed. H. Shellman, |
| E. Barry, | W. J. Jackson, | R. C. Simmons, |
| W. G. Baxter, | L. F. Johnson, | T. J. Slaton, |
| Peter Best, Jr., | Wm. F. Klair, | Emmet P. Slattery, |
| Roger P. Blair, | Geo. D. Litsey, | W. H. Southall, |
| H. Kirby Bourne, | H. M. McCarty, | Hub L. Stevens, |
| J. C. Byland, | M. H. McLean, | John A. Stevens, |
| N. B. Chipman, | Henry C. Miller, | Zeb. A. Stewart, |
| J. W. Clay, | R. W. Miller, | George W. Stone, |
| Sam. D. Cochran, | Chris Mueller, | C. C. Terry, |
| Henry M. Cox, | J. M. Mitchell, | A. J. Thompson, |
| Ed. Croan, | James S. Morris, | C. F. Thornton, |
| Henry W. Curle, | Ed. Mulcahy, | T. A. Weldon, |
| Charles I. Dawson, | Ion B. Nall, | W. T. White, |
| Lawrence J. Diskin, | W. J. Osborne, | John B. Wicker, |
| Thomas Drewry, | Henry G. Overstreet, | Geo. S. Wilson, |
| Robert Enlow, | C. M. Paynter, | J. T. Wilson, |
| J. A. Frazier, | John R. Ray, | Munnell Wilson, |
| W. J. Gooch, | M. M. Redwine, | J. Hal Woodford, |
| A. J. Gorham, | J. M. Robertson, | W. T. Wright—67. |
| B. P. Grigsby, Sr., | | |

Those who voted in the negative were—

| | | |
|---|---|---|
| Charles C. Beard, | M. T. Freeman, | D. C. Hopper, |
| B. O. Becker, | Taylor P. Gabbard, | V. W. Morris, |
| Joe F. Bosworth, | H. H. Griffin, | Richard S. Rose, |
| W. T. Cain, | John C. Griffith,, | W. W. Smith, |
| M. F. Campbell, | W. C. Halbert, | Harry Weitkamp, |
| W. H. Cole, | Albert Hamilton, | James C. Yaden, |
| A. L. Denny, | C. W. G. Hannah, | Will A. Young—21. |

Resolved, That the title thereof be as aforesaid.

Mr. Redwine moved that the vote by which said bill was passed be reconsidered and said bill lie on the table.

Said motion was agreed to.

Mr. Redwine moved that when this House adjourn to-day, it be to meet to-morrow morning at 10:15 o'clock.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs R. W. Miller and Redwine were as follows, viz.:

Those who voted in the affirmative were—

J. M. Alverson,
John Barr,
E. Barry,
B. O. Becker,
Peter Best, Jr.,
H. Kirby Bourne,
Sam. D. Cochran,
Ed. Croan,
Charles I. Dawson,
W. Reed Embry,
Robert Enlow,
J. A. Frazier,
W. J. Gooch,
J. A. Hamon,
L. P. Head,
W. J. Jackson,
Geo. D. Litsey,
Virgil McKnight,
R. W. Miller,
J. M. Mitchell,
V. W. Morris,
James S. Morris,
C. M. Paynter,
M. M. Redwine,
S. M. Russell,
C. C. Terry,
A. J. Thompson,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
J. Hal Woodford,
J. A. Yates—32.

Those who voted in the negative were—

Louis W. Arnett,
Charles C. Beard,
W. G. Baxter,
Roger P. Blair,
J. C. Byland,
W. T. Cain,
M. F. Campbell,
N. B. Chipman,
J. W. Clay,
W. D. Claybrooke,
W. H. Cole,
Henry M. Cox,
Henry W. Curle,
A. L. Denny,
Lawrence J. Diskin,
Thomas Drewry,
Taylor P. Gabbard,
H. H. Griffin,
John C. Griffith,
B. P. Grigsby, Sr.,
Paul Gullion,
James A. Hagan,
Albert Hamilton,
C. W. G. Hannah,
D. C. Hopper,
W. H. Jones,
Wm. F. Klair,
H. M. McCarty,
M. H. McLean,
Henry C. Miller,
Chris Mueller,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
Henry G. Overstreet,
John R. Ray,
J. M. Robertson,
Richard S. Rose,
J. T. Royalty,
Ed. H. Shellman,
R. C. Simmons,
Emmet P. Slattery,
W. W. Smith,
W. H. Southall,
Hub L. Stevens,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
C. F. Thornton,
Harry Weitkamp,
T. A. Weldon,
W. T. White,
Munnell Wilson,
Wm. Wilt,
James G. Yaden—55.

Mr. Nall of the Committee on Enrollments, reported that they had examined and found correctly enrolled a bill of the following title, viz.:

H. B. 257. An act to enable cities of the first class to construct a comprehensive system for the disposition of sewerage.

Thereupon all other business was suspended and said bill was read at length and examined in open session. And, being found correctly enrolled, the Speaker, in open session, in presence of the House, affixed his signature thereto.

Ordered, that the enrolling clerk deliver same to the Senate. After a time the enrolling clerk delivered the above-named bill, which originated in the House to the chief clerk of the House.

Ordered that said chief clerk deliver same to the Governor. After a time said chief clerk reported that he had discharged that duty.

The following bills, which were on a former day read and compared in the House and signed by the Speaker thereof, viz.:

H. B. 113. An act creating the Thirty-second Judicial District of Kentucky, fixing the time of holding courts thereof, providing for the election of a circuit judge and Commonwealth's attorney, and changing the Nineteenth and Twentieth Judicial Districts of Kentucky, so as to provide for said Thirty-second District, and fixing the time for holding the courts in said nineteenth and twentieth districts.

H. B. 95. An act to create the Thirty-third Judicial District of Kentucky and to change the Twenty-sixth, Twenty-seventh and Twenty-eighth Circuit Court Judicial Districts of Kentucky, and to provide for the holding of courts in the said twenty-sixth, twenty-seventh, twenty-eighth and thirty-third districts, and to provide for judges and Commonwealth's attorneys for same.

Whereby the enrolling clerk delivered to the chief clerk of the House.

Ordered that said chief clerk deliver same to the Governor. After a time said chief clerk reported that he had discharged that duty.

A message was received from the Senate announcing that they had concurred in a resolution which originated in the House, entitled

H. Res. 16. Resolution providing an American flag for the State capitol of Kentucky.

That they had passed bills of the following titles, viz.:

1. S. B. 71. An act to provide an appropriation for the erection of a building for the agricultural department of the Agricultural and Mechanical College of Kentucky, and to equip the same.

2. S. B. 101. An act to amend and re-enact an act, entitled An act to provide for the development of the live stock, agricultural and kindred interests, by the establishment and maintenance of a State fair, being chapter 119b of the Kentucky Statutes, approved March 29, 1902.

3. S. B. 105. An act to authorize the building or repairing of dirt, gravel or ballast roads by taxation in counties of this Commonwealth with a less assessed valuation than that of three million dollars, and providing how said funds shall be disbursed.

4. S. B. 117. An act to increase the compensation of the private secretary of the Governor.

Said bills were ordered to be printed and were by the Speaker referred to

One, to the Committee on Appropriations.
Two, to the Committee on Agriculture.
Three, to the Committee on Internal Improvements.
Four, to the Committee on Appropriations.

By unanimous consent Mr. Johnson of the committee on State prisons and houses of reform, to which the same had been recommitted, reported a bill, entitled

H. B. 407. An act to amend an act, entitled "An act to establish houses of reform, one for boys, and one for girls, and to provide for the government thereof, and making an appropriation therefor," which became a law March 21, 1896.

Ordered that said bill be recommitted to committee on appropriations, with leave to report at any time.

Mr Klair moved that when the House adjourn to-day, it be to meet on Monday next, the 19th instant, at 12 o'clock M.

Said last named motion was agreed to.

Mr. Klair moved that the vote by which said motion was agreed to be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At 12 o'clock M.

Mr. Drewry moved that the consideration of the orders of the day be postponed and that the House proceed with the call of the committee.

Said motion was agreed to.

The committees to which the same had been referred, reported bills of the following titles, viz.:

By Mr. Cochran, of the Committee on Internal Improvements:

H. B. 322. An act to amend and re-enact subsections 1, 11, 16, 19, 20, 22, 23, 24 and 26 of section 2380. And subsections 5 and 7 of section 2412a of the 1903 edition of Carroll's Kentucky Statutes, which relate to the drainage of lands in this Commonwealth.

With amendments thereto.

By Mr. McLean:

S. B. 144. An act to amend an act, entitled An act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894.

By same:

H. B. 256. An act to amend an act, entitled "An act for the government of cities of the first class," approved July 1, 1893.

With an amendment thereto, by way of substitute therefor.

By same:

H. B. 417. An act creating the office of deputy coroner in counties having a population of 150,000 or more, and prescribing the qualifications, powers, duties and compensation thereof.

By same:

H. B. 458. An act in relation to the control, management and operation of the water works in cities of the first class.

With an amendment thereto, by way, of a substitute therefor.

By same:

S. B. 201. An act to amend an act for the government of cities of the first class, approved March 23, 1894, and to repeal section 8 of said act, and to substitute a section for said section 8.

By Mr. Stewart, of the Committee on Cities of the Fourth, Fifth and Sixth Class:

H. B. 368. An act to amend section 3637 of the Kentucky Statutes, relating to the powers of the city council in cities of the fifth class.

By same:

H. B. 306. An act to repeal the charter of the town of Yosemite in Casey county.

By same:

H. B. 56. An act to amend section 3483, Kentucky Statutes, article 5, chapter 89.

By same:

H. B. 411. An act to amend section 3660 of the Kentucky Statutes, relating to an act of July 1, 1893, pertaining to the corporate powers of towns of the sixth class.

By same:

H. B. 388. An act to amend an act, entitled "An act to amend subsection 9 of section 9 of the acts of June 28, 1893," entitled an act for the government of cities of the fourth class, approved March 22, 1902.

Said bills were severally read the first time, at length, and ordered to be placed on the calander.

By Mr. Stewart, of the Committee of Cities of the Fourth, Fifth and Sixth Classes:

H. B. 412. An act to amend section 3714 of an act, entitled "Creation and Organization of Towns."

By same:

H. B. 371. An act to apportion to cities of the fifth and sixth classes a part of the revenue collected in their respective counties for turnpike and road purposes.

With the expression of opinion that said bills ought not to pass.

The question being severally taken on ordering said bills to a reading, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bills were rejected.

By Mr. Stewart, of the Committee on Cities of the Fourth, Fifth and Sixth Classes, to which the same had been recommitted.

H. B. 153. An act to repeal an act relating to cities of the fourth class.

With an amendment thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend subsection 2 and subsection 26 of section 3490, article 5, chapter 89 of the Kentucky Statutes," which act was approved March 24, 1904, be, and the same is hereby, repealed.

§ 2. Whereas, Certain cities affected by the operation of said act are unable, by reason thereof, to provide adequate police protection, or to discharge other necessary municipal functions and duties an emergency is declared to exist, and this act shall go into effect from and after its passage.

The amendment as proposed to said bill by the committee is as follows, viz.:

"Strike out section 2."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | B. P. Grigsby, Sr., | M. M. Redwine, |
| John Barr, | James A. Hagan, | J. M. Robertson, |
| E. Barry, | Albert Hamilton, | Richard S. Rose, |
| Charles C. Beard, | J. A. Hamon, | J. T. Royalty, |
| B. O. Becker, | C. W. G. Hannah, | R. C. Simmons, |
| Peter Best, Jr., | L. P. Head, | T. J. Slaton, |
| Roger P. Blair, | D. C. Hopper, | W. W. Smith, |
| Joe F. Bosworth, | W. J. Jackson, | W. H. Southall, |
| H. Kirby Bourne, | L. F. Johnson, | Hub L. Stevens, |

J. C. Byland,
W. T. Cain,
M. F. Campbell,
N. B. Chipman,
J. W. Clay,
W. H. Cole,
Henry M. Cox,
Ed. Croan,
Henry W. Curle,
Charles I. Dawson,
Thomas Drewry,
J. A. Frazier,
M. T. Freeman,
Taylor P. Gabbard,
A. J. Gorham,
John G. Griffith,
W. H. Jones,
Wm. F. Klair,
Geo. D. Litsey,
H. M. McCarty,
Virgil McKnight,
Henry C. Miller,
R. W. Miller,
Chris Mueller,
J. M. Mitchell,
James S. Morris,
Ed. Mulcahy,
Henry G. Overstreet,
C. M. Paynter,
John R. Ray,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
C. C. Terry,
A. J. Thompson,
C. F. Thornton,
T. A. Weldon,
W. T. White,
John B. Wicker,
J. T. Wilson,
Munnell Wilson,
J. Hal Woodford,
James C. Yaden,
Will A. Young—70.

In the negative—V. W. Morris.

Resolved, That the title of said bill be as aforesaid.

Mr. Stewart moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

By Mr. Stewart, of the Committee on Cities of the Fourth, Fifth and Sixth Classes, to which same had been recommitted:

H. B. 154. An act to repeal an act relating to cities of the fourth class.

With an amendment thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend and supplement article 5, chapter 89 of the Kentucky Statutes, by providing certain regulations for cities of the fourth class that are two or more years in arrears in the payment of any indebtedness, which was incurred by the issue of interest bearing bonds, the validity of which has

been adjudicated," approved March 25, 1904, being chapter 119 of the act of the General Assembly of 1904, be, and the same is hereby repealed.

§ 2. Whereas, Certain cities affected by the operation of said act are unable by reason thereof to provide adequate police protection or to discharge other necessary municipal functions and duties, an emergency is declared to exist, and this act shall go into effect from and after its passage.

The amendment as proposed to said bill by the committee is as follows, viz.:

"Strike out section 2."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, and same being engrossed, said bill, was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| John Barr, | James A. Hagan, | John R. Ray, |
| Charles C. Beard, | W. C. Halbert, | M. M. Redwine, |
| B. O. Becker, | Albert Hamilton, | Richard S. Rose, |
| Peter Best, Jr., | J. A. Hamon, | J. T. Royalty, |
| Joe F. Bosworth, | C. W. G. Hannah, | Ed. H. Shellman, |
| H. Kirby Bourne, | L. P. Head, | T. J. Slaton, |
| J. C. Byland, | D. C. Hopper, | W. W. Smith, |
| W. T. Cain, | W. J. Jackson, | W. H. Southall, |
| M. F. Campbell, | L. F. Johnson, | John A. Stevens, |
| N. B. Chipman, | Wm. F. Klair, | Zeb. A. Stewart, |
| J. W. Clay, | Geo. D. Litsey, | George W. Stone, |
| Sam. D. Cochran, | H. M. McCarty, | C. C. Terry, |
| W. H. Cole, | Virgil McKnight, | A. J. Thompson, |

| | | |
|---|---|---|
| Ed. Croan, | M. H. McLean, | C. F. Thornton, |
| Charles I. Dawson, | Henry C. Miller, | T. A. Weldon, |
| A. L. Denny, | R. W. Miller, | W. T. White, |
| Thomas Drewry, | Chris Mueller, | Geo. S. Wilson, |
| M. T. Freeman, | J. M. Mitchell, | J. T. Wilson, |
| Taylor P. Gabbard, | V. W. Morris, | Munnell Wilson, |
| A. J. Gorham, | James S. Morris, | J. Hal Woodford, |
| H. H. Griffin, | Ed. Mulcahy, | W. T. Wright, |
| John C. Griffith, | Henry G. Overstreet, | James G. Yaden. |
| Paul Gullion, | C. M. Paynter, | Will A. Young—69. |

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

Mr. Stewart moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

Mr. Drewry moved that the House do now adjourn.

Said motion was agreed to.

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## MONDAY, FEBRUARY 19, 1906.

The House was opened with prayer by the Rev. J. O. A. Vaught of the Methodist Episcopal church, South.

The reading of the Journal of Friday's proceedings was dispensed with, and the same was approved.

Mr. Drewry moved that the consideration of the orders of the day be postponed until the calendar is taken up and called, and for the purpose of continuing the call of the standing committees for reports.

Said motion was agreed to.

A message was received from the Senate announcing that they had concurred in a resolution which originated in the House, entitled

H. Res. 15. Setting apart Thursday, the 22d of February, to celebrate the anniversary of the birth of Washington.

Thereupon the Speaker appointed the following committee, as provided for in said resolution, viz.:

Messrs. Stewart, Wilt and Munnell Wilson.

Mr. Thornton, of the committee on enrollments, reported that they had examined and found correctly enrolled a joint resolution of the following title, viz.:

H. Res. 16. Resolution providing an American flag for the State capitol of Kentucky.

Thereupon all other business was suspended and said joint resolution was read at length and examined in open session. And, being found correctly enrolled, the Speaker in open session, in the presence of the House, affixed his signature thereto.

Ordered that the enrolling clerk deliver same to the Senate. After a time the enrolling clerk delivered the above-named joint resolution, which originated in the House to the chief clerk of the House.

Ordered that said chief clerk deliver same to the Governor, After a time said chief clerk reported that he had discharged that duty.

Mr. McLean, of the committee on enrollments, reported that they had examined and found correctly enrolled a bill which originated in the Senate of the following title, viz.:

S. B. 26. An act to appropriate funds for the improvement of the Western Kentucky Asylum for the Insane, at Hopkinsville, Kentucky.

Thereupon all other business was suspended and said bill was

read at length and examined in open session. And, being found correctly enrolled, the Speaker, in open session, in presence of the House, affixed his signature thereto.

Ordered that the enrolling clerk deliver same to the Senate.

Mr. Redwine offered the following resolution, viz.:

Resolved, That whereas, the State Department of Agriculture, Labor and Statistics will hold its first annual State Farmers Institute in the city of Frankfort, on February 27th and 28th, and March 1, 1906, and that it is desired that the night session of February 27th be held in this House, the members of this body tender the said department the use of this house for the date herein named.

Said resolution was agreed to.

The House took up for consideration from the calendar bills of the following titles, viz.:

H. B. 428. An act to prevent the disturbances of camp meetings, associations and other religious exercises.

H. B. 357. An act to further regulate elections in this Commonwealth.

H. B. 370. An act to amend section 1136, Kentucky Statutes.

H. B. 337. An act to repeal an act incorporating the town of Newfoundland.

H. B. 258. An act concerning cigarettes and cigarette material.

S. B. 2. An act to amend section 664, subdivision 3, article 4, chapter 32, Kentucky Statutes.

S. B. 3. An act to amend section 679, subdivision 3, article 4, chapter 32, Kentucky Statutes.

H. B. 84. An act requiring children to act in the support of their indigent parents.

H. B. 128. An act to further prevent trespass and depredation.

H. B. 256. An act to amend an act, entitled "An act for the Government of cities of the first class," approved July 1, 1893.

S. B. 144. An act to amend an act, entitled "An act for the government of cities of the second class in the Commonwealth of Kentucky," approved March 19, 1894.

H. B. 322. An act to amend and re-enact subsections 1, 11, 16, 19, 20, 22, 23, 24 and 26 of section 2380, and subsections 5 and 7 of section 2412a, of the 1903 edition of Carroll's Kentucky Statutes, which relate to the drainage of lands in this Commonwealth.

H. B. 417. An act creating the office of deputy coroner in counties having a population of 150,000 or over, and prescribing the qualifications, powers and duties and compensation thereof.

S. B. 201. An act to amend an act for the government of cities of the first class, approved March 23, 1894, and to repeal section 8 of said act, and to substitute a section for said section 8.

H. B. 368. An act to amend section 3637, of the Kentucky Statutes, relating to the powers of the city council in cities of the fifth class.

H. B. 306. An act to repeal the charter of the town of Yosemite in Casey county.

H. B. 411. An act to amend section 3660 of the Kentucky Statutes, relating to an act of July 1, 1893, pertaining to the corporate powers of towns of the sixth class.

H. B. 56. An act to amend section 3483, Kentucky Statutes, article 5, chapter 89.

H. B. 388. An act to amend an act, entitled "An act to amend subsection 9 of section 9 of the acts of June 28, 1893," entitled an act for the government of cities of the fourth class," approved March 22, 1902.

H. B. 458. An act in relation to the control, management and operation of water works in cities of the first class.

Ordered that said bills be read the second time.

The provision of the Constitution as to the second reading of said bills, at length, being dispensed with, said bills were read the second time by their title.

Ordered that said bills be placed in the orders of the day, except the last named bill, which was ordered to be recommitted to the committee on municipalities, with leave to said committee to report at any time

The committee to which the same had been referred, reported bills of the following titles, viz.:

By Mr. Croan, of the Committtee on Railroads

H. B. 21. An act to prohibit express companies and other common carriers from making overcharges on freight and express.

By same:

H. B. 177. An act making the willful or malicious taking or removal of the waste or packing from any journal box, or boxes of any locomotive, engine, tender, carriage, coach, car, caboose or truck, used or operated upon any railroad whether the same be operated by steam or electricity, a felony, and providing penalties therefor.

With the expression of opinion, that said bill ought not to pass.

The question being severally taken on ordering said bills to a reading, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

And so said bills were rejected.

By Mr. Croan, of the Committee on Railroads:

H. B. 133. An act to amend section 777, Kentucky Statutes, and to re-enact the same as amended.

By same:

H B. 201. An act to amend sections 786 and 793, subdivision 2, chapter 32, Kentucky Statutes, and to re-enact the same as amended.

By same:

H. B. 401. An act t oamend section 6, chapter 122, acts 1904, regulating the running of motor vehicles upon public highways of this State, and fixing a penalty for violation thereof, and requiring registration and prescribing manner of numbering.

By same:

S. B. 31. An act to authorize and empower railroad companies to designate persons to act as railroad police; providing for their appointment by the Governor, and defining their duties, powers and liabilities.

By same:

An act authorizing the condemnation of lands and material, by corporations or companies, organized for the purpose of constructing, maintaining or operating union railway stations.

By Mr. James S. Morris, of the Committee on Revenue and Taxation:

H. B. 1. An act relating to revenue and taxation.

With an amendment thereto, by way of substitute therefor.

Said bills were severally read the first time at length and ordered to be placed on the calendar.

By Mr. James S. Morris, of the Committee on Revenue and Taxation, which had originated the same:

H. B. 477. An act to impose a license tax on compounding, rectifying, adulterating or blending distilled spirits, known as single stamped spirits, and fixing the rate of such license tax per gallon.

Said bill was read the first time at length, ordered to be printed and placed on the calendar.

Mr. Drewry offered the following resolution, viz.:

Resolved, That the revenue and taxation bill with the amendments thereto proposed by the committee on revenue and taxation be printed; 250 copies of same for the use of the members of this House.

Said resolution was agreed to.

Mr. Gooch offered the following resolution, viz.:

Resolved, That the clerk of the House is authorized and directed to send the substitute for House Bill No. 1, by special messenger to Louisville for the purpose of having it printed and returned to the House as speedily as possible, and he is further directed to certify the necessary expenses of said special messenger and of said printing as a contingent expense of this House, and the Auditor of Public Accounts is hereby directed to draw his warrant upon the treasurer for amount of same when the same, and a copy of this resolution is certified to him by the chief clerk of this House.

Said resolution was agreed to.

And then the House adjourned.

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TUESDAY, FEBRUARY 20, 1906.

The House was opened with prayer, by Rev. J. O. A. Vaught of the Methodist Episcopal church, South.

The reading of the Journal of yesterday's proceedings was dispensed with, and the same was approved.

Upon a call of the counties and Representative districts, the

following bills were introduced, ordered to be printed and referred, viz.:

By Mr. Cole:

H. B. 478. An act regulating actions against municipalities for negligence.

Referred to the Committee on Judiciary.

By same:

H. B. 479. An act defining and punishing conspiracies.

Referred to the Committee on Judiciary.

By same:

H. B. 480. An act to amend section 3287, of Kentucky Statutes, being part of charters of cities of third class.

Referred to the Committee on Judiciary.

By Mr. Wilt:

H. B. 481. An act relating to applications for pardons.

Referred to the Committee on Kentucky Statutes.

Provides for publication of pardon applications.

By Mr. Hannah:

H. B. 482. An act to amend article 1, section 1409, Kentucky Statutes, increasing the fees allowed for taking up drift, logs and cross ties.

Referred to the Committee on Propositions and Grievances.

By Mr. Slattery:

H. B. 483. An act concerning excavations in cities of the first class.

Referred to the Committee on Municipalities.

By Mr. Simmons:

H. B. 484. An act to amend section 2740, Kentucky Statutes, edition of 1904.

Referred to the Committee on Classification of Cities and Towns.

By Mr. Rose:

H. B. 485. An act to amend chapter 7 of Kentucky Statutes, Carroll edition of 1903, same being act of February, 1904, and entitled "Game and Birds," and to establish a State game commissioner—his duties and game wardens.

Referred to the Committee on Kentucky Statutes.

By Mr. R. W. Miller:

H. B. 486. An act to prevent the use of a caboose car known as a "dinkey" or a two-wheel cart.

Referred to the Committee on Codes of Practice.

By Mr. Blair:

H. B. 487. An act to require all notes and other evidences of debt held by any person or corporation other than a bank or trust company or such other corporation whose property is now assessed for taxation by the State Board of Assessment and Valuation to be stamped by the assessor of the county wherein the owner thereof resides and penalty for failure so to do.

Referred to the Committee on Judiciary.

H. B. 488. An act to amend an act, entitled An act to assign the cities and towns of this Commonwealth to the class to which they belong.

Referred to the Committee on Classification of Cities and Towns.

Mr. Klair moved that House do now resolve itself into the committee of the whole House, for the purpose of listening to an address by Prof. Burris Jenkins, president of the Kentucky University, on the subject of education in the South.

Said motion was agreed to.

Thereupon the House was resolved into the committee of the whole House, with Mr. Klair in the chair.

After a time the Speaker resumed the chair and called the House to order.

Mr. Klair of the committee of the whole reported that said committee had been in session for the purpose above named and had direct him to offer to the House the following resolution, viz.:

Resolved, That this House accept the invitation of the committee on arrangements to attend the "Conference for Education in the South," which will be held in Lexington. in the first week in May, and extend the thanks of the House of Representatives to the committee, for the opportunity offered to aid in the betterment of educational facilities in Kentucky and the South.

Said resolution was agreed to.

Mr. Barry sent to the clerk's desk, and had read the following communication, viz.:

To Hon Henry R. Lawrence, Speaker of the House:

I hereby tender my resignation as a member of the special investigating committee recently appointed by you under a resolution introduced by the member from Lyon and Marshall—this resignation to take effect at once.

Respectfully,

E. BARRY.

Which was received and ordered spread upon the Journal.

Mr. McKnight presented the petition of sundry citizens of Fleming county protesting against the passage of any bill which forms the Representative district to be composed of the counties of Fleming and Bath counties.

Which was received, the reading thereof dispensed with and referred to the committee on redistricting.

Mr. James S. Morris presented the petition of Magruder Brothers in Oldham county, protesting against the passage of any law which makes any change in the present law relative to the Kentucky Breeders' Live Stock Association.

Which was received, the reading thereof dispensed with and referred to the committee on agriculture.

Mr. James S. Morris presented the petition of the Richwood Distilling Co., protesting against the passage of H. B. 326; An act for the protection of life and property against loss or damage for the operation of steam boilers in this State and provide for the inspection of steam boilers and to create the office of State steam boiler inspector.

Which was received, the reading thereof dispensed with and referred to the committee on immigration and labor.

Mr. H. K. Cole presented the petition of the Business Men's Association, of Owensboro, Kentucky, urging the passage of a law increasing the salaries of the railroad commissioners and providing them with additional clerical force.

Which was received, the reading thereof dispensed with and referred to the committee on railroads.

Mr. J. T. Wilson presented the petition of the Henderson Commercial Club urging the passage of a bill providing for additional clerical force for the railroad commission.

Which was received, the reading thereof dispensed with and referred to the committee on railroads.

Mr. McLean of the committee on municipalities to which the same had been recommitted, with leave to report at any time, reported a bill entitled

H. B. 458. An act in relation to the control, management and operation of water works in cities of the first class.

Together with the substitute heretofore proposed therefor by said committee.

And also an amendment to said substitute.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky

§ 1. Whenever any city of the first class is the owner of all of the shares of capital stock in any corporation existing under the laws of this Commonwealth, engaged in supplying water to such city and inhabitants thereof, such city shall control, manage and operate the plant of such corporation, including its franchise, and all other property of every kind and description, in the manner hereinafter provided.

§ 2. The mayor shall appoint, subject to the approval of the commissioners of the sinking fund of any such city, six persons, who shall constitute a body-corporate, and be known as the "board of water works," which board shall constitute a department of the government of such city. Each appointee shall be at least thirty years of age, and reside within the city, and be the owner in his own right of real estate situated therein. No officer or employe of said city, whether holding a paid or unpaid office, shall be eligible for appointment to the said board. The terms of office of the persons first appointed, as above provided, shall be as follows: Two for a term of two years; two for a term of three years; and two for a term of four years. Thereafter, as their terms expire, their successors shall be appointed in the same manner, but for terms of four years each. All vacancies upon the board, whether caused by death or resignation, shall be filled for the unexpired term by appointment in the same manner. Each member shall hold his office until his successor has been appointed and qualified.

§ 3. Each member shall qualify for his office by taking oath before some one authorized to administer the same that he will faithfully perform the duties of a member of the board of water

works, which oath of office shall be filed with the board of sinking fund commissioners.

§ 4. Said board shall annually elect a president, a treasurer, a secretary and a chief engineer, who shall hold their office for one year, or until their successors have been duly elected and qualified. The president shall be elected from the members of the board. The president and treasurer shall each give bond, with approved surety, in such amount as may be fixed by the board, which bond shall be payable to the board of water works, and obligate the makers thereof to perform faithfully the duties of their several offices, and faithfully account for and pay over all money or other things of value which may come into their several hands. The board shall have the authority to appoint such other officers, agents or employes, as they may deem necessary or proper, and to fix the compensation of its officers, agents or employes, provided, however, that the salary of no officer, agent or employe shall exceed the sum of five thousand dollars per annum.

§ 5. Said board of water works so constituted shall be vested with all the authority, rights, powers and privileges, and exercise all the franchises of the corporation of which such city owns all the stock, as described in the first section of this act; it shall have the possession, control and management of all of the property, of every description, real, personal and mixed, of said corporation; it shall have the authority to contract and be contracted with; to sue and be sued, but all such contracts shall be made and all such suits shall be prosecuted or defended in the name of the corporation in which such city owns all of the stock, as above described.

§ 6. Any such city of the first class shall have, through its board of water works, the use free of charge of all the water necessary for its fire department, its police department, its public buildings, its school board, and for sprinkling its public highways, and shall in turn exempt all the property, both tangible and intangible, of which it has the control through its board of water works from taxation for municipal purposes, and shall not include any of

said property in its assessments for taxation; but nothing herein provided shall affect the right and duty of said board of water works to fix, make and collect reasonable sums or rates for the use or sale of water furnished to any other individual, firm or corporation, whether the same be by assessment or meter measurement, in its discretion.

§ 7. The general council of any such city of the first class shall have the authority, by ordinance duly enacted, to fix such reasonable terms and conditions upon which such board of water works shall exercise its right to cut into the streets, alleys or other public ways of the city, and it shall be the duty of the board of water works to observe the same.

§ 8. All of the lawful debts and obligations of any such water works corporation, described in the first section of this act, existing at the time this act shall take effect, and all of the debts and obligations created by said board of water works in the management and operation of said properties, and in the performance of its duties herein provided, shall be paid and discharged out of the property and the rents, earnings and incomes derived therefrom and coming into the hands of said board, and such city of the first class shall not be liable as a municipal corporation for any such debts or obligations.

§ 9. Said board of water works shall have the authority to borrow money and execute the necessary writings therefor, not to exceed the gross receipts for the current year, for the purpose of providing for any of the obligations of said water works corporation and for the current expenses of said board; and whenever said board shall deem it expedient to provide for the refunding of any outstanding bonds of such water works corporation, or the funding of its floating indebtedness, it shall have the authority to issue and sell, for either or both of said purposes, the bonds of such water works corporation, not to exceed in amount the sum of one million (1,000,000) dollars, in denominations of one thousand ($1,000) dollars each, bearing interest at a rate not to exceed four per cent, per annum, payable semi-annually, such interest to be evidenced by coupons attached, said bonds to be signed by the president and secre-

tary of said board, and said coupons to be evidenced by the engraved signature of the secretary, and to secure the said bonds, with the coupons so attached, by a mortgage upon the rights, privileges, franchises and property of said water works corporation, and may sell said bonds at not less than their face value. It shall be the duty of said board of water works to provide, at the time any such bonds are issued, for a sinking fund, which shall be sufficient to pay said interest coupons and to retire the principal of said bonds at maturity. The total bonded debt upon said property outstanding at any time shall not exceed one million five hundred thousand ($1,500,000) dollars.

§ 10. Said board of water works shall have the authority to establish and enforce such reasonable rules and regulations for its own government, including the signing and execution of the contracts referred to in section 5 of this act, as it may deem expedient; provided, however, that said board shall make quarterly a financial statement, showing its liabilities, receipts and expenditures, and deliver copies thereof to the comptroller of the city and to the secretary of the commissioners of the sinking fund of such city.

§ 11. All acts and parts of acts inconsistent herewith, whether contained in general or special statutes, are hereby repealed.

§ 12. This act shall constitute and be known as "section 3024a" of subdivision 28 of the Kentucky Statutes.

§ 13. Owing to the fact that cities of the first class are in urgent need of legislation to provide for the control, management and operation of water works engaged in supplying water to such cities and the inhabitants thereof, an emergency is hereby declared to exist, and this act shall take effect and become a law from and after its passage and approval by the Governor.

The substitute heretofore proposed to said bill by said committee is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Whenever any city of the first class is the owner (through its commissioners of the sinking fund) of all of the shares of capital stock in any corporation existing under the laws of this Commonwealth, engaged in supplying water to such city and in habitants thereof, such city shall control, manage and operate the plant of such corporation, including its franchise, and all other property of every kind and description, in the manner hereinafter provided.

Sec. 2. The Commissioners of the Sinking Fund of any such city shall elect four persons who shall constitute a body corporate and be known as the "Board of Water Works," which board shall constitute a department of the government of such city. Each appointee shall be at least thirty years of age, and reside within the city and be the owner in his own right of real estate situated therein. No officer or employe of said city, whether holding a paid or unpaid office, shall be eligible for appointment to the said board. The terms of office of the persons first elected, as above provided, shall be as follows: One for a term of one year; one for a term of two years; one for a term of three years; and one for a term of four years. Thereafter as their terms expire their successors shall be elected in the same manner, but for terms of four years each. All vacancies upon the board, whether caused by death or resignation, shall be filled for the unexpired term by election in the same manner. Each member shall hold his office until his successor has been appointed and qualified. Any member of said board may be removed at any time by the unanimous vote of the Commissioners of the Sinking Fund.

Sec. 3. Each member shall qualify for his office by taking oath before some one authorized to administer the same that he will faithfully perform the duties of a member of the Board of Water Works, which oath of office shall be filed with the Board of Sinking Fund Commissioners.

Sec. 4. Said board shall anually elect a president, a treasurer, a secretary and a chief engineer, who shall hold their offices for one year, or until their successors have been duly elected and quali-

fied, and devote all their time to the duties of their respective offices. The president shall be elected from the members of the board. The president, secretary and treasurer shall each give bond with approved surety in such amount as may be fixed by the board, which bond shall be payable to the Board of Water Works, and obligate the makers thereof to perform faithfully the duties of their several offices, and faithfully account for and pay over all money or other things of value which may come into their several hands. The board shall have the authority to appoint such other agents or employes as they may deem necessary or proper, and to fix the compensation of its officers, agents or employes; provided, however, that the salary of no officer, agent, or employe shall exceed the sum of five thousand dollars per annum.

Sec. 5. Said Board of Water Works so constituted shall be vested with all the authority, rights, powers and privileges, and exercise all the franchises of the corporation of which such city owns all the stock, as described in the first section of this act; it shall have the possession, control and management of all of the property, of every kind and description, real, personal and mixed, of said corporation; it shall have the authority to contract and be contracted with; to sue and be sued, but all such contracts shall be made and all such suits shall be prosecuted or defended in the name of the corporation in which such city owns all of the stock, as above described; provided, however, that nothing in this act shall in any way affect the provisions of subsection 13 of section 3010 of the Kentucky Statutes, which adds the stock owned by cities of the first class in its Water Works Company to the resources of the sinking fund of such city.

Sec. 6. Any such city of the first class shall have, through its Board of Water Works, the use free of charge of all the water necessary for its fire department, its police department, its public buildings, its school board, and for sprinkling its public highways, including its parks and parkways, and shall in turn exempt all of the property, both tangible and intangible, of which it has the control through its Board of Water Works from taxation for municipal

purposes, and shall not include any of said property in its assessment for taxation; but nothing herein provided shall affect the right and duty of said Board of Water Works to fix, make and collect reasonable sums or rates for the use or sale of water furnished to any other individual, firm or corporation, whether the same be by assessment or meter measurement in its discretion.

Sec. 7. The General Council of any such city of the first class shall have the authority, by ordinance duly enacted, to fix such reasonable terms and conditions upon which such Board of Water Works shall exercise its right to cut into the streets, alleys or other public ways of the city, and it shall be the duty of the Board of Water Works to observe the same.

Sec. 8. All of the lawful debts and obligations of any such water works corporation, described in the first section of this act, existing at the time this act shall take effect, and all of the debts and obligations created by said Board of Water Works in the management and operation of said properties and in the performance of its duties herein provided, shall be paid and discharged out of the property and the rents, earnings and incomes derived therefrom and coming into the hands of said board, and such city of the first class shall not be liable as a municipal corporation for any such debts or obligations.

Sec. 9. Said Board of Water Works shall have the authority to borrow money and execute the necessary writings therefor, not to exceed the gross receipts for the current year, for the purpose of providing for any of the obligations of said water works corporation and for the current expenses of said board; and in addition thereto, whenever said board shall deem it expedient to provide for the re-funding of any outstanding bonds of such water works corporation, or the funding of its floating indebtedness, it shall have the authority—the Commissioners of the Sinking Fund of such city having first, by resolution, consented therto—to issue for either or both of said purposes the bonds of such water works corporation not to exceed in amount the sum of one million ($1,000,000) dollars, in denominations of one thousand ($1,000) dollars each, to

mature not exceeding forty years from date, bearing interest at a rate not to exceed four per cent. per annum, payable semi-annually, such interest to be evidenced by coupons attached, said bonds to be signed by the president and secretary of said board, and said coupons to be evidenced by the engraved signature of the secretary, and to secure the said bonds, with the coupons so attached, by a mortgage upon the rights, privileges, franchises and property of said water works corporation. Said bonds when so issued shall be placed with and sold by the Commissioners of the Sinking Fund at a price not less than their face value, and the proceeds applied by said commissioners to the purposes for which the bonds were issued. It shall be the duty of said Board of Water Works to provide, at any time any such bonds are issued, for sinking fund, which shall be sufficient to pay said interest coupons and to retire the principal of said bonds at maturity, which sinking fund shall be deposited by said board with the Commissioners of the Sinking Fund of such city to be invested, managed, controlled and applied by said commissioners for the payment of the interest and principal of the bonds si issued. The total bonded debt upon said property outstanding at any time shall not exceed one million five hundred thousand ($1,500,000) dollars.

Sec. 10. Said Board of Water Works shall have the authority to establish and enforce such reasonable rules and regulations for its own government, including the signing and execution of the contracts referred to in section five of this act as it may deem expedient; provided, however, that said board shall make quarterly a financial statement, showing its liabilities, receipts and expenditures, and deliver copies thereof to the comptroller of the city and to the secretary of the commissioners of the sinking fund of such city. The books and accounts of said board shall at all times be opened to inspection and examination by the mayor of the city and the Commissioners of the Sinking Fund through their duly appointed agents.

Sec. 11. All acts and parts of acts inconsistent herewith, whether contained in general or special statutes, are hereby repealed.

Sec. 12. This act shall constitute and be known as "Sec. 3024a" of sub-division 28 of the Kentucky Statutes.

The amendment as proposed by the committee to said substitute is as follows, viz.:

Amend substitute to House Bill No. 458, entitled "An act in relation to the control, management and operation of water works in cities of the first class," by substituting for the second section thereof, the following:

"Sec. 2. The mayor of any such city shall appoint, subject to the approval of the Board of Aldermen, four (4) persons, who shall constitute a body corporate and be known as its 'Board of Water Works;' and the mayor of such city shall be an ex-officio member of said 'Board of Water Works.' Each appointee shall be at least thirty years of age, and reside within the city and be the owner in his own right of real estate situated therein. No officer or employe of said city, whether holding a paid or unpaid office, shall be eligible for appointment to the said board. The terms of office of the persons first appointed, as above provided, shall be as follows: One for a term of one year; one for a term of two years; one for a term of three years, and one for a term of four years. Thereafter, as their terms expire their successors shall be appointed in the same manner, but for terms of four years each; provided, however, that no member of the board shall be eligible to succeed himself except the three who are first appointed for the short terms of one, two and three years, respectively. All vacancies upon the board, whether caused by death or resignation, shall be filled for the unexpired term by appointment in the same manner. Each member shall hold his office until his successor has been appointed and qualified."

Said amendment to the substitute was then agreed to.

Said substitute as amended was then agreed to.

Ordered that said bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length, being dispensed with and the same being engrossed, said bill as amended was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | Paul Gullion, | M. M. Redwine, |
| Louis W. Arnett, | James A. Hagan, | J. M. Robertson, |
| John Barr, | Albert Hamilton, | J. T. Royalty, |
| E. Barry, | W. J. Jackson, | J. T. Scott, |
| W. G. Baxter, | L. F. Johnson, | Ed. H. Shellman, |
| Roger P. Blair, | Wm. F. Klair, | T. J. Slaton, |
| H. Kirby Bourne, | Geo. D. Litsey, | Emmet P. Slattery, |
| N. B. Chipman, | H. M. McCarty, | W. H. Southall, |
| J. W. Clay, | Virgil McKnight, | Hub L. Stevens, |
| W. D. Claybrooke, | M. H. McLean, | John A. Stevens, |
| Sam. D. Cochran, | Henry C. Miller, | C. C. Terry, |
| Henry M. Cox, | R. W. Miller, | A. J. Thompson, |
| Ed. Croan, | Chris Mueller, | C. F. Thornton, |
| Charles I. Dawson, | J. M. Mitchell, | Harry Weitkamp, |
| Lawrence J. Diskin, | James S. Morris, | T. A. Weldon, |
| Thomas Drewry, | Ed. Mulcahy, | W. T. White, |
| W. Reed Embry, | Ion B. Nall, | John B. Wicker, |
| Robert Enlow, | W. J. Osborne, | Geo. S. Wilson, |
| J. A. Frazier, | Henry G. Overstreet, | J. T. Wilson, |
| W. J. Gooch, | C. M. Paynter, | Munnell Wilson, |
| A. J. Gorham, | John R. Ray, | W. T. Wright—63. |

Those who voted in the negative were—

| | | |
|---|---|---|
| B. O. Becker, | Taylor P. Gabbard, | V. W. Morris, |
| W. T. Cain, | H. H. Griffin, | Richard S. Rose, |
| M. F. Campbell, | John C. Griffith, | W. W. Smith, |
| Bennett Clarke, | W. C. Halbert, | Zeb. A. Stewart, |
| W. H. Cole, | C. W. G. Hannah, | George W. Stone, |
| A. L. Denny, | D. C. Hopper, | James C. Yaden, |
| M. T. Freeman, | W. H. Jones, | J. A. Yates—21. |

Resolved, That the title thereof be as aforesaid.

Mr. Drewry moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Terry offered the following resolution, viz.:

Resolved, That the clerk of the House draw his warrant on the Auditor of Public Accounts for the sum of $27.25 (twenty seven dollars and twenty-five cents) the expenses of Prison and House of Reform Committee in visiting the House of Reform at Greendale, Ky., February 17, 1906.

That the said warrant be drawn in favor of the sergeant-at-arms of the House and he disburse said sum among the said committee and officers accompanying same. This amount to come out of the contingent expenses of the House upon presentation of a copy of this resolution attested by the clerk of the House.

A message was received from the Senate announcing that they had passed a bill, entitled

S. B. 85. An act fixing the liability and measure of damages for the commission of fraud in the sale of real estate.

Said bill was ordered to be printed, and was by the Speaker referred to the Committee on Judiciary.

A message was received from the Governor announcing that he had approved and signed a bill whic horiginated in the House, entitled

H. B. 257. An act to enable cities of the first class to construct a comprehensive system for the disposition of sewerage.

Mr. Frazier offered the following resolution.

Whereas, There is an urgent necessity for work, therefore be it

Resolved, That during the remainder of the present session of this General Assembly that when there is an adjournment of the

morning session it shall be to meet at 3 o'clock p. m. on each day except Saturday for the consideration of such business as may come before this House.

Mr. Klair moved that said resolution be referred to the Committee on Rules.

Said motion was agreed to.

Leave of absence for an indefinite length of time was granted Messrs. Yates and White.

Mr. Claybrooke of the Committee on Classifications of Cities and Towns, which had originated the same reported the following bill:

H. B. 488. An act to amend an act to assign the cities and towns of this Commonwealth to the classes to which they belong.

Said bill was read the first time at length, ordered to be printed and placed on the calendar.

Mr. Nall, of the Committee on Enrollments, reported that they had examined and found correctly enrolled bills and a joint resolution of the following titles, viz.

S. B. 79. An act to amend section 540, chapter 32 of the Kentucky Statutes.

S. B. 123. An act relating to the possession of lands and interests therein, where there has been or may be a severance of the mineral or other interests from the service.

S. Res. 12. Resolution requesting Kentucky's representative in Congress to use their influence for the preservation of Niagara Falls.

Thereupon all other business was suspended and said bills and joint resolution were severally read at length and examined in open session. And, being found correctly enrolled, the Speaker, in open session, in presence of the House affixed his signature thereto.

Ordered that the enrolling clerk deliver same to the Senate.

The House took up for consideration from the calendar bills of the following titles, viz.:

S. B. 31. An act to authorize and empower railroad companies to designate persons to act as railroad police; providing for their appointment by the Governor, and defining their duties, powers and liabilities.

S. B. 69. An act authorizing the condemnation of lands and material by corporations or companies organized for the purpose of constructing, maintaining or operating Union railway stations.

H. B. 133. An act to amend section 777 Kentucky Statutes, and to re-enact the same as amended.

H. B. 201. An act to amend sections 786 and 793, subdivision 2, chapter 32, Kentucky Statutes, and to re-enact the same as amended.

H. B. 401. An act to amend section 6, chapter 122, Acts 1904, relating to the running of motor vehicles upon public highways of this State and fixing a penalty for violation thereof, and requiring registration and prescribing the manner of numbering.

H. B. 1. An act relating to revenue and taxation.

Ordered, That said bills be read the second time.

The provision of the Constitution as to the second reading of said bills being dispensed with said bills were severally read the second time by their titles.

Ordered, that said bills be placed in the orders of the day, except the last-named bill, which was ordered to be made the special order of the day for Friday next, 23d inst., at 10:15 o'clock, a. m.

At 12:00 o'clock m.

The House took up for consideration from the orders of the day, a bill, entitled:

S. B. 156. An act authorizing the Court of Appeals to appoint a Commissioner of the Court of Appeals.

Mr. Bourne moved that said bill be re-committed to the Committee on Court of Appeals, and that said committee be granted leave to report at any time.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill, entitled

H. B. 436. An act to appropriate the additional sum of $250,000.00 for the erection and completion of the Capitol and other State buildings at the seat of Government, now under contract and course of construction.

Mr. Johnson moved that said bill be recommitted to the Committee on State Capitol and that said committee be granted leave to report said bill at any time.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill, entitled

H. B. 322. An act to amend and re-enact subsections 1, 11, 16, 19, 20, 22, 23, 24 and 26 of section 2380, and subsections 5 and 7 of section 2412a of the 1903 edition of Carroll's Kentucky Statutes, which relate to the drainage of lands in this Commonwealth.

Mr. H. K. Cole moved that said bill be recommitted to the Committee on Internal Improvements and the said committee be granted leave to report said bill at any time.

Said motion was agreed to.

The House took up for consideration from the orders of the day, a bill entitled

H. B. 261. An act giving to notes executed for advancements or loans on tobacco the force and effect of a mortgage, and providing

for the acknowledgment and recording of same, and fixing the fees charged therefor.

Mr. Dawson moved that said bill be recommitted to the Committee on Kentucky Statutes and that said committee be granted leave to report same at any time. Said motion was agreed to.

Mr. Drewry moved that the further consideration of the orders of the day be postponed until the completion of the call of the list of standing committees.

Said motion was agreed to.

Mr. Stewart, of the Special Committee, heretofore appointed under and by virtue of a resolution, entitled

H. Res. 15. Resolution setting apart Thursday, the 22d day of February, to celebrate the anniversary of the birth of Washington.

Offered the following report, viz.:

We, the undersigned committee appointed by the Speaker to arrange for observing Thursday, February 22, in honor of Washington's birthday, report that after a conference with a like committee appointed by the President of the Senate, it is the sense of the two committees that, inasmuch as a large majority of the numbers of both Houses have been invited to Louisville and Maysville on that day, and the committee therefore recommend that the House observe said day by adjourning out of respect to the memory of Washington, and that any further exercises be dispensed with on that day.

Said report was ordered filed.

Mr. R. W. Miller offered the following resolution, viz.:

Be it resolved, That whenever a request for unanimous consent is made to make a bill a special order or to recommit a bill with leave to report at any time, or whenever a motion is offered to make a bill a special order to recommit with leave to report at any time,

said request or motion shall be read from the clerk's desk and the bill read by its title, and the said request or motion shall lie over one day.

Said resolution was agreed to.

The committees to which the same had been referred reported bills of the following titles, viz.:

By Mr. Miller, of the Committee on Codes of Practice:

H. B. 4. An act to amend section 606, Civil Code of Practice.

By same:

H. B. 5. An act to amend section 420 of the Civil Code of Practice.

By same:

H. B. 139. An act to amend the Criminal Code of Practice in criminal cases regulating continuances.

By same:

H. B. 223. An act to amend section 194 of act 4 of the Criminal Code.

By same:

H. B. 395. An act to amend section 203 of the Criminal Code of Practice by striking out the word fifteen and inserting in lieu thereof ten.

With the expression of opinion that said bills ought not to pass.

The question being severally taken on ordering said bills to a reading the opinion of the committee to the contrary notwithstanding it was decided in the negative.

And so said bills were rejected.

Mr. James S. Morris, of the Committee on Court of Appeals:

H. B. 425. An act to further regulate the revenue laws of coun-

ties, cities and towns so as to carry into effect sections 157 and 180 of the present Constitution, and prescribing penalties for violating same.

By same:

H. B. 301. An act to authorize the fiscal court in counties where public roads are maintained in whole or in part by taxation, to levy a vehicle tax and fixing the rates.

By same:

H. B. 408. An act to amend and re-enact section 4313, Kentucky Statutes, Carroll's Edition, 1903.

By same:

S. B. 44. An act to prohibit the sale of toy pistols, cannons and explosives used by children in celebrations.

By Mr. Weldon, of the Committee on Military Affairs:

S. B. 96. An act to amend and re-enact section 12 of an act, entitled An act concerning the militia of the Commonwealth of Kentucky, approved March 13, 1893, and being section 2663 of the Kentucky Statutes.

By same:

S. B. 104. An act to amend and re-enact section 54 of an act, entitled An act concerning the militia of the Commonwealth of Kentucky, approved March 13, 1893, and amendatory acts thereto being section 2705 of the Kentucky Statutes.

By Mr. Arnett, of the Committee on Circuit Courts:

H. B. 396. An act authorizing and empowering the Commissioners of the Sinking Fund to donate any interest the Commonwealth may own in any of the turnpike road companies in the State, when all the stock in any such turnpike company is owned by the Commonwealth and any county or counties, and such county or counties will undertake to make and maintain such turnpike free of toll to the traveling public.

By same:

H. B. 453. An act to amend section 418a of chapter 23a, Kentucky Statutes, edition of 1903, relating to Congressional Districts, with an amendment thereto.

By same:

H. B. 217. An act relating to revenue and taxation, being section 4128 of the Kentucky Statutes be amended by adding to said section.

By same:

S. B. 6. An act to amend and re-enact an act, entitled An act fixing the times and terms of the circuit courts in counties composing the several judicial districts in this Commonwealth, approved December 26, 1892, and an amendment thereto, approved March 30, 1900, so far as the same applies to the Twenty-ninth Circuit Court District.

By same:

H. B. 432. An act creating the office of official stenographer for circuit court districts of this Commonwealth providing for his appointment, and prescribing his oath, duties and compensation.

By same:

H. B. 282. An act to make uniform the salary paid circuit judges and to fix the same at five thousand dollars after the 31st day of December, 1909.

With an amendment thereto.

By Mr. Litsey, of the Committee on Suffrage and Election:

An act to amend section fourteen hundred and ninety-three (1493) of the Kentucky Statutes.

By Mr. Munnell Wilson, of the Committee on Federal Relations.

H. B. 105. An act to prevent and punish desecration, mutilation or improper use of the flag of the United States of America.

By Mr. Diskin, of the Committee on County and City Courts:

H. B. 308. An act to amend an act, entitled An act relating to courts of justice,, being chapter 221, act 1893, approved June 11, 1893.

By same:

H. B. 406. An act to amend section 1845, Kentucky Statutes.

By Mr. Head, of the Committee on Immigration and Labor.

H. B. 92. An act to amend an act, entitled An act to make it unlawful to employ a child less than fourteen years of age in workshops, mines, mills, or factories.

With an amendment thereto by way of substitute therefor.

By Mr. R. W. Miller, of the Committee on Codes of Practice:

H. B. 106. An act to amend subsection No. 7 of section 57 of the Civil Code of Practice.

With an amendment thereto by way of substitute therefor.

By Mr. Robertson, of the Committee on Re-districting:

H. B. 144. An act to amend and re-enact an act, entitled "An act to reapportion the State into Eleven Congressional Districts," approved May 26, 1890, and amendatory acts thereto, being section 418a, chapter 23a, Kentucky Statutes.

By same:

H. B. 362. An act to divide the State of Kentucky into one hundred representative districts.

With an amendment thereto.

Said bills were severally read the first time, at length, and ordered to be placed on the calendar.

By Mr. McCarty, of the Committee on Printing:

H. B. 377. An act to provide for the appointment of a State

printing superintendent, defining his duties and providing compensation therefor.

With an amendment thereto.

Said bill was read the first time at length.

Ordered, that said bill be re-committed to the Committee on Appropriations.

By Mr. Munnell Wilson, of the Committee on Federal Relations;

H. Res. 18. Asking the two senators and eleven representatives from Kentucky in the Congress of the United States to use their influence to procure an amendment to the Constitution of United States providing that United States Senators be elected by popular vote.

(For resolution, see House Journal of February 8th.)

Said resolution was read and adopted.

By same:

S. Res. 10. Resolution requesting the Congress of the United States to propose an amendment to the Constitution authorizing the levy of taxes on incomes, gifts and inheritances.

Said resolution was read and concurred in.

And then the House adjourned until 3:00 o'clock this afternoon.

## AFTERNOON SESSION.

At three o'clock the House met pursuant to a resolution heretofore adopted.

Mr. McKnight on the part of the managers of the Mason County Tobacco Fair, extended an invitation to the members of the House to attend the annual meeting of said fair, on Thursday next, the 22d inst.

Mr. R. W. Miller moved that said invitation be accepted.

Said motion was agreed to

Mr. Drewry extended an invitation to the members of the House to attend at Louisville, Kentucky, on Thursday next, the 22d inst., the exercises to be held under the auspices of the Jefferson County Democratic Club, in celebration of the anniversary of the birth of George Washington.

Mr. Klair moved that said invitation be accepted.

Said motion was agreed to.

The Speaker announced that he had assigned and appointed Mr. T. J. Slaton as a member of the several committees to which Mr. D. P. Taggart had heretofore been assigned on which there were vacancies occasioned by the unseating of said D. P. Taggart.

The said Slaton to take the place and stead of said Taggart on said several committees.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 334. An act to amend an act, entitled "An act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth, which became a law March 5, 1898, without the approval of the Governor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of tucky:

§ 1. That an act, entitled "An act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth," which became a law March 5, 1898, without the approval of the Governor, be amended by adding after section 6, of said act, the following:

"§ 6a. That the Board of Penitentiary Commissioners, if at any time they deem it necessary to the better management of the penitentiaries of this Commonwealth, may appoint, for each peniten-

tiary, two assistant deputy wardens, each of whom shall receive for his services $100 per month; and said assistant deputy wardens shall hold office for a term of four years: Provided, They are not sooner removed by the Board of Penitentiary Commissioners. Before entering upon the discharge of their duties, they shall take an oath to faithfully discharge the duties imposed upon them by law; and shall give bond to the Commonwealth of Kentucky in the sum of $25,000, with such sureties, not contractors in said penitentiaries, as said commissioners may approve; which bond shall be conditioned for the faithful discharge of their duties as assistant deputy wardens; and said bond shall be deposited for safe keeping with the Auditor of Public Accounts.

"The Board of Penitentiary Commissioners, in adopting rules for the proper and economical management of the penitentiaries, are authorized and shall assign to each of said assistant deputy wardens his duties to perform."

Mr. McKnight moved that said bill be recommitted to the Committee on Appropriations.

Said motion was disagreed to.

Ordered, that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | A. J. Gorham, | J. T. Scott, |
| Louis W. Arnett, | Paul Gullion, | Ed. H. Shellman, |
| John Barr, | James A. Hagan, | R. C. Simmons, |
| W. G. Baxter, | J. A. Hamon, | T. J. Slaton, |
| Peter Best, Jr., | L. P. Head, | Emmet P. Slattery, |

H. Kirby Bourne,
N. B. Chipman,
J. W. Clay,
W. D. Claybrooke,
Sam. D. Cochran,
Henry M. Cox,
Ed. Croan,
Charles I. Dawson,
Lawrence J. Diskin,
Thomas Drewry,
W. Reed Embry,
J. A. Frazier,
W. J. Gooch,
L. F. Johnson,
Wm. F. Klair,
Geo. D. Litsey,
H. M. McCarty,
M. H. McLean,
Henry C. Miller,
Chris Mueller,
J. M. Mitchell,
James S. Morris,
C. M. Paynter,
M. M. Redwine,
J. M. Robertson,
W. H. Southall,
Hub L. Stevens,
George W. Stone,
C. C. Terry,
A. J. Thompson,
C. F. Thornton,
Harry Weitkamp,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
J. Hal Woodford,
W. T. Wright—52.

Those who voted in the negative were—

E. Barry,
Charles C. Beard,
B. O. Becker,
W. T. Cain,
M. F. Campbell,
Bennett Clarke,
H. K. Cole,
Robert Enlow,
M. T. Freeman,
H. H. Griffin,
W. C. Halbert,
Albert Hamilton,
C. W. G. Hannah,
W. H. Jones,
Virgil McKnight,
R. W. Miller,
V. W. Morris,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
Henry G. Overstreet,
Richard S. Rose,
J. T. Royalty,
W. T. White,
Wm. Wilt,
James C. Yaden,
J. A. Yates—27.

Resolved, That the title of said bill be as aforesaid.

Mr. George S. Wilson moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill, entitled

H. B. 72. An act regulating the carrying on of business under an assumed or fictitious name.

Together with an amendment heretofore proposed thereto by the committee.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of tucky:

§ 1. No person or persons shall hereafter carry on or conduct or transact business in this State under an assumed name, or under any designation, name or style, corporate or otherwise, other than the real name or names of the individual or individuals conducting or transacting such business, unless such person or persons shall file in the office of the clerk of the county or counties in which such person or persons conduct, or transact, or intend to conduct, or transact such business, a certificate setting forth the name under which said business is, or is to be conducted or transacted, and the true or real full name or names of the person or persons owning, conducting or transacting the same, with the postoffice address or addresses of said person or persons. Said certificate shall be executed and duly acknowledged by the person or persons so conducting, or intending to conduct said business.

§ 2. Persons now conducting such business under an assumed name, or under any such designation referred to in subdivision one, shall file such certificate as herein before prescribed within thirty days after this act shall take effect, and persons hereafter conducting or transacting business as aforesaid shall, before commencing this business, file such certificate in the manner hereinbefore prescribed.

§ 3. The several county clerks of this State shall keep an alphabetical index of all persons filing certificates, provided for herein, and for the indexing and filing of such certificate they shall receive a fee of twenty-five cents. A copy of such certificate duly certified to by the county clerk in whose office the same shall be filed, shall be presumptive evidence in all courts of law in this State of the facts therein contained.

§ 4. This act shall in no way affect or apply to any corporation duly organized under the laws of this State, or any corporation organized under the laws of any other State and lawfully doing business in this State, nor shall this act be deemed or construed to prevent the lawful use of a partnership name or designation: Pro-

vided, That such partnership name or designation shall include the true real name of at least one of such persons transacting business.

§ 5. Any person or persons carrying on, conducting or transacting business as aforesaid, who shall fail to comply with the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars, nor more than one hundred dollars, or imprisoned in the county jail not less than ten days nor more than thirty days, or both so fined and imprisoned.

Said amendment as proposed by the committee is as follows, viz.: Amend by adding thereto "and each day any person or persons continue to conduct business in violation of this act shall be deemed a separate offense."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | James A. Hagan, | J. M. Robertson, |
| John Barr, | W. C. Halbert, | Richard S. Rose, |
| E. Barry, | Albert Hamilton, | J. T. Royalty, |
| W. G. Baxter, | J. A. Hamon, | Ed. H. Shellman, |
| B. O. Becker, | C. W. G. Hannah, | R. C. Simmons, |
| Roger P. Blair, | L. P. Head, | T. J. Slaton, |
| H. Kirby Bourne, | D. C. Hopper, | Emmet P. Slattery, |
| W. T. Cain, | W. J. Jackson, | W. H. Southall, |
| M. F. Campbell, | W. H. Jones, | Hub L. Stevens, |
| N. B. Chipman, | Wm. F. Klair, | Zeb. A. Stewart, |
| Bennett Clarke, | Geo. D. Litsey, | George W. Stone, |

| | | |
|---|---|---|
| W. D. Claybrooke, | H. M. McCarty, | C. C. Terry, |
| Sam. D. Cochran, | Virgil McKnight, | A. J. Thompson, |
| H. K. Cole, | M. H. McLean, | C. F. Thornton, |
| Henry M. Cox, | Henry C. Miller, | T. A. Weldon, |
| Ed. Croan, | R. W. Miller, | W. T. White, |
| Charles I. Dawson, | J. M. Mitchell, | John B. Wicker, |
| Lawrence J. Diskin, | V. W. Morris, | Geo. S. Wilson, |
| Thomas Drewry, | James S. Morris, | J. T. Wilson, |
| W. Reed Embry, | Ed. Mulcahy, | Wm. Wilt, |
| M. T. Freeman, | Ion B. Nall, | J. Hal Woodford, |
| W. J. Gooch, | W. J. Osborne, | W. T. Wright, |
| A. J. Gorham, | C. M. Paynter, | James C. Yaden, |
| H. H. Griffin, | Henry G. Overstreet, | J. A. Yates—73. |
| Paul Gullion, | | |

Those who voted in the negative were—

| | | |
|---|---|---|
| Peter Best, Jr., | L. F. Johnson, | M. M. Redwine—3. |

Resolved That the title of said bill be as aforesaid.

Mr. Slattery moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill, entitled

H. B. 104. An act to amend section 1403 of the Kentucky Statutes for the benefit of the widows and infant children of the Commonwealth.

Mr. Klair moved that said bill be recommitted to the Committee on Kentucky Statutes with leave for said committee to report at any time.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill, entitled

S. B. 157. An act to amend section 4692 of the Kentucky Statutes being a portion of chapter 126, title Treasurer—State.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 4692 of the Kentucky Statutes being a portion of chapter 126 of the Kentucky Statutes, title, "Treasurer—State," be amended by striking therefrom the words, "nor more than five" in the third line of said section, and the words, "one hundred" in the fourth line and insert in lieu thereof the word "fifty" as printed in said Kentucky Statutes, so that said section when amended shall read as follows:

"The Treasurer shall designate in writing to the Governor, to be entered on the Executive Journal, not less than three solvent banks, each having a paid-up capital of not less than fifty thousand dollars, as State depositories; and all public money of the State now in or hereafter received into the Treasury shall be deposited in said depositories in amounts as nearly equal to the capital stock of the bank as conveneince will permit; and the Governor or the Treasurer may, from time to time, as may seem necessary, examine into the condition of the State depositories and the manner in which the State's account is therein kept, and if it shall at any time appear that the capital of any depository has become impaired, the Treasurer shall have power to cause the State's deposit to be withdrawn therefrom, and shall, in like manner, name another depository, which, when, so named, shall, with its president and cashier, be subject to the provisions of this law. For services rendered by said depositories, there shall be no charges made of any character or description. The depositories selected shall each pay to the Commonwealth, in proportion to the deposits received, interest at such rate per annum as may be agreed upon between the Treasurer and the depositories upon the average daily deposits on hand at the close of banking hours, the same to be paid to the Treasurer at the end of each six months, commencing with the date of the deposit."

§ 2. Whereas, large sums of money would be saved to the State by the immediate adoption of this amendment, an emergency is declared to exist and this amendment shall take effect and be in force from and after its approval by the Governor.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | John C. Griffith, | Ed. H. Shellman, |
| Louis W. Arnett, | Paul Gullion, | R. C. Simmons, |
| John Barr, | James A. Hagan, | T. J. Slaton, |
| E. Barry, | W. C. Halbert, | Emmet P. Slattery, |
| B. O. Becker, | Albert Hamilton, | W. W. Smith, |
| Peter Best, Jr., | J. A. Hamon, | W. H. Southall, |
| Roger P. Blair, | L. P. Head, | Hub L. Stevens, |
| H. Kirby Bourne, | W. J. Jackson, | John A. Stevens, |
| W. T. Cain, | L. F. Johnson, | Zeb. A. Stewart, |
| M. F. Campbell, | Wm. F. Klair, | George W. Stone, |
| N. B. Chipman, | H. M. McCarty, | C. C. Terry, |
| Bennett Clarke, | Virgil McKnight, | A. J. Thompson, |
| W. D. Claybrooke, | M. H. McLean, | C. F. Thornton, |
| Sam. D. Cochran, | Henry C. Miller, | Harry Weitkamp, |
| H. K. Cole, | R. W. Miller, | T. A. Weldon, |
| Ed. Croan, | Chris Mueller, | W. T. White, |
| Charles I. Dawson, | J. M. Mitchell, | John B. Wicker, |
| A. L. Denny, | James S. Morris, | Geo. S. Wilson, |
| Lawrence J. Diskin, | Ed. Mulcahy, | J. T. Wilson, |
| Robert Enlow, | Ion B. Nall, | Munnell Wilson, |
| J. A. Frazier, | W. J. Osborne, | Wm. Wilt, |
| M. T. Freeman, | Henry G. Overstreet, | J. Hal Woodford, |
| Taylor P. Gabbard, | M. M. Redwine, | W. T. Wright, |
| W. J. Gooch, | J. T. Royalty, | James C. Yaden, |
| A. J. Gorham, | J. T. Scott, | Will A. Young—75. |

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

The House took up for consideration, from the orders of the day a bill, entitled

H. B. 291. An act to regulate the employment of legislative counsel and agents, and to provide for the return of legislative expenses.

Mr. Klair moved that said bill be made the special order of the day, for February 28, 1906.

Under the resolution, this day adopted, said motion lies over.

The House took up for consideration from the orders of the day a bill, entitled

H. B. 325. An act to regulate the liability of employers to employes for injuries sustained by such employes while in the performance of their duty to their employer.

Together with the substitute heretofore proposed therefor by the committee.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That every person, firm, company or corporation engaged in business in this State, shall be liable for damages for personal injuries suffered by any employe, who, while in its service, and in the exercise of due care and diligence, sustains such injuries by reason of the negligence of any person in the service of such person, firm, company or corporation, who has charge of any signal, telegraph office, switchyard, roundhouse, shop, plant, place of business, engine, locomotive, train or car upon railway, or, where such injury was caused by negligence of any person, co-employe, or fellow servant engaged in the same common service of any of the departments of the service of any such person, firm, company or corporation; the said person, co-employe or fellow servant at the time acting in the

place, and performing the duty of the person, firm, company or corporation in that behalf, and the person so injured, obeying or conforming to the order of some superior at the time of such injury, having authority to direct. But nothing herein contained shall be construed to abridge the liability of such person, firm, company or corporation under the existing laws.

§ 2. This act shall be in full force and effect from and after its passage.

Said substitute is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That every corporation engaged in the business of operating a railroad in this State, shall be liable in damages for personal injury, suffered by any employe, while in its service, the employe so injured being in the exercise of due care and diligence, in the following cases:

1st. Where such injury is suffered by reason of any defect in the condition of ways, works, tools or machinery connected with or in use in the business of such corporation, when such defect was the result of negligence on the part of the corporation, or some one entrusted by it with the duty of keeping such ways, works, tools or machinery in proper condition.

2d. Where such injury resulted from the negligence of any person in the service of such corporation to whose order or direction, the injured employe at the time of the injury was bound to conform and did conform.

3d. Where such injury resulted from the act or omission of any person done, or made in obedience to any rule, or regulation of such corporation, or in obedience to the particular instructions given by any person delegated with the authority of the corporation in that behalf.

4th. Where such injury was caused by the negligence of any person in the service of such corporation, having charge of any signal, telegraph office, switch yard, shop, round house, locomotive,

engine, or train upon a railway, or where any such injury was caused by the negligence of any person, co-employe or fellow servant engaged in the same common service in any of the several departments of service of any such corporation, the said person, co-employe, or fellow servant, at the time acting in the place and performing the duty of the corporation in that behalf, and the person so injured, obeying or conforming to the order of some superior at the time of said injury, having authority to direct; but nothing in this act shall be construed to abridge the liability of such corporation under the existing laws of this Commonwealth.

Mr. Robertson offered an amendment to said substitute as follows, viz.:

"Provided, That the provisions of this act shall not apply to interurban railroads."

Said amendment was disagreed to.

Mr. Klair offered an amendment to said substitute, as follows, viz.:

"Provided, That this act shall not apply to railroads less than twenty miles in length."

Said amendment was disagreed to.

Mr. Drewry offered an amendment to said substitute as follows, viz.:

"The provisions of this act shall apply to every railroad company, corporation, association, company and individual doing business in the State of Kentucky."

Mr. R. W. Miller offered an amendment to said substitute as follows, viz.:

Amend substitute for House Bill No. 325, by inserting between the words "State" and "shall" in line 2 of said bill, the following words: "and every other corporation, association, partnership, firm or person engaged in any business employing labor;" and by insert-

ing after the word "corporation" in line 8 of said bill, the following words: "association, partnership, firm or person;" and by inserting the same words after the word "corporation" in line 9 of said bill; and by inserting after the word "corporation" in line 13 of said bill, the same words; and by inserting after the word "corporation" in line 18 of said bill, the same words; and by inserting after the word "corporation" in line 19 of the said bill, the same words; and by inserting after the word "corporation" in line 27 of said bill, the same words; and by inserting after word "corporation" in line 29 of said bill, the same words; and by inserting after the word "corporation" in line 32 of said bill, the same words; and by inserting after the word "railway" in line 24 of said bill, the following words: "or any factory, shop or work of any kind."

Said amendment was agreed to.

Mr. R. W. Miller offered an amendment to said substitute as follows, viz.:

Amend substitute for House Bill No. 325, by inserting after the word "condition" in line 11, the following words "unless such defect was known to such injured employe or was obvious, open or patent at the time of said injury."

Mr. Stone offered an amendment to said substitute as follows, viz.:

"By adding the words or street railway" after the word railroad in line 2 of section 1.

Said amendment was disagreed to.

Mr Best offered an amendment to said substitute as follows, viz.:

"Provided that when any railroad company has supplied its equipment with the modern safety appliances this act shall not apply thereto."

Said amendment was disagreed to.

Mr. Osborne offered an amendment to said substitute as follows, viz.:

Amend substitute for H. B. 325, by adding thereto the following: "Provided, That any railroad company having published rules for the guidance and conduct of its employes shall not be subject to the terms of this act, if any employe should suffer injury by reason of disregard of or disobedience to such published rules.

Said amendment was disagreed to.

Mr. Overstreet offered an amendment to said substitute as follows, viz.:

Amend substitute for House Bill No. 325, by adding thereto the following:

"Provided that all railroads hereafter constructed in this State shall be exempt from the provisions of this act for a period of five years after beginning operations as common carriers."

Said amendment was disagreed to.

Mr. R. W. Miller offered an amendment to said substitute as follows, viz.:

Amend the title of substitute for House Bill No. 325 by inserting in the first line of said title, after the word "railroad," the words "and other," and by adding after the word "corporations," the following words: "associations, partnerships, firms or persons," and by striking out after the word "duties," in the third line of said title, the words "to said corporations;" so that the title of said bill will read, when amended, as follows:

"An act to further regulate the liability of railroad and other corporations, associations, partnerships, firms or persons, doing business in this State, to their employes for injuries sustained by such employes while in the performance of their duties."

Said amendment was agreed to.

Mr. Drewry moved that said bill and substitute lie on the table.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Drewry and Klair were as follows:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| W. G. Baxter, | Albert Hamilton, | John R. Ray, |
| Peter Best, Jr., | C. W. G. Hannah, | J. M. Robertson, |
| Joe F. Bosworth, | W. H. Jones, | Hub L. Stevens, |
| H. Kirby Bourne, | Wm. F. Klair, | John A. Stevens, |
| W. T. Cain, | H. M. McCarty, | Zeb. A. Stewart, |
| M. F. Campbell, | Virgil McKnight, | C. C. Terry, |
| J. W. Clay, | M. H. McLean, | A. J. Thompson, |
| Sam. D. Cochran, | R. W. Miller, | Harry Weitkamp, |
| Ed. Croan, | Chris Mueller, | W. T. White, |
| Lawrence J. Diskin, | Ion B. Nall, | Wm. Wilt, |
| Thomas Drewry, | W. J. Osborne, | W. T. Wright, |
| H. H. Griffin, | Henry G. Overstreet, | James G. Yaden—38. |
| James A. Hagan, | C. M. Paynter, | |

Those who voted in the negative were—

| | | |
|---|---|---|
| Louis W. Arnett, | Taylor P. Gabbard, | Richard S. Rose, |
| John Barr, | A. J. Gorham, | J. T. Royalty, |
| B. O. Becker, | John C. Griffith, | Ed. H. Shellman, |
| Roger P. Blair, | W. C. Halbert, | R. C. Simmons, |
| N. B. Chipman, | J. A. Hamon, | T. J. Slaton, |
| Bennett Clarke, | L. P. Head, | Emmet P. Slattery, |
| W. D. Claybrooke, | D. C. Hopper, | W. W. Smith, |
| H. K. Cole, | L. F. Johnson, | W. H. Southall, |
| W. H. Cole, | Geo. D. Litsey, | George W. Stone, |
| Henry M. Cox, | Henry C. Miller, | C. F. Thornton, |
| Charles I. Dawson, | J. M. Mitchell, | John B. Wicker, |
| Robert Enlow, | James S. Morris, | Geo. S. Wilson, |
| J. A. Frazier, | Ed. Mulcahy, | J. T. Wilson, |
| M. T. Freeman, | M. M. Redwine, | Munnell Wilson—42. |

Mr. Dawson moved that said bill be recommitted to the committee on judiciary, and that said committee be granted leave to report at any time.

Under the resolution heretofore adopted on this day, said motion lies over.

And then the House adjaurned.

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WEDNESDAY, FEBRUARY 21, 1906.

The House was opened with prayer, by Rev. J. O. A. Vaught of the Methodist Episcopal church, South.

The reading of the Journal of yesterday's proceedings was dispensed with and the same was approved.

Mr. Lawrence presented a petition of the Louisville Commercial Club, urging the passage of a law increasing the clerical force of the railroad commission.

Said petition was received, the reading thereof dispensed with, and the same was referred to the committee on railroads.

Mr. Slattery presented a petition from the Louisville Commercial Club, urging the passage of a law, increasing the clerical force of the railroad commission.

Said petition was received, the reading thereof dispensed with, and same was referred to the committee on railroads.

Mr. Slattery presented a petition of the Lumberman's Club, of Louisville, urging the passage of a law increasing the clerical force of the railroad commission.

Said petition was received, the reading thereof dispensed with, and the same referred to the committee on railroads.

Mr. White presented a petition of sundry citizens of Carlisle and Bath counties urging the passage of H. B. 244. An act concerning domestic life insurance companies.

Said petition was received, the reading thereof dispensed with, and the same was referred to the committee on insurance.

Mr. Becker presented a petition of sundry citizens of Boyd, Graves, Christian and Russell counties, urging the passage of a bill amending the present exemption law.

Said petition was received, the reading thereof dispensed with, and same was referred to the committee on Kentucky Statutes.

Mr. Barr presented a petition of sundry citizens of Lebanon, urging the passage of H. B. 244, An act concerning domestic life insurance companies.

Said petition was received, the reading thereof dispensed with, and same was referred to the committee on insurance.

Leave of absence for an indefinite length of time was granted Messrs. Curle, Claybrooke, and Hopper.

Mr. Johnson offered the following resolution, viz.:

Whereas, The Junior Order United American Mechanics desire to meet in this city on September 11, 12, 13 and 14, 1906; and

Whereas, There is no place in this city sufficiently large to accommodate the said State organization, except the hall used as the House of Representatives, and in order to furnish sufficient accommodations for the said order, therefore be it

Resolved, That we hereby grant to the said organization the use of the said House of Representatives for the 11, 12, 13 and 14 days of September, 1906, with the understanding that any expenses which may be incurred by reason of said use of said hall shall be paid by said organization.

Said resolution was agreed to.

Mr. Wilt offered the following resolution, viz.:

Whereas, It appears from the last auditor's report of the fiscal year ending June 30, 1905, that the total number of State license

collected in the State of Kentucky for the sale of spirituous, vinous and malt liquors were as follows:

| | |
|---|---|
| Druggists' licenses to the number of | 61 |
| Retail licenses for selling spirituous, vinous and malt liquors | 1,983 |
| Retail licenses for selling spirituous and vinous liquors | 141 |
| Retail licenses for selling malt liquors | 68 |
| Hotel licenses for selling spirituous, vinous and malt liquors | 69 |
| Hotel licenses for selling spirituous and vinous liquors | 11 |
| Hotel licenses for selling malt liquors | 12 |
| Licenses to merchants to sell liquors | 100 |

In all making a total of 2,382 licenses issued in the State for the period of one year, and

Whereas, It is disclosed by an examination of the last annual report of the United States internal revenue commissioner that for a similar period of one year the United States government issued a total number of 4,346 indicating and showing that the Federal Government has collected such licenses from 1,964 more persons in the State than has the State Government, and

Whereas, It thus appears that 1,964 persons of the Commonwealth of Kentucky are paying the Federal tax for selling liquors, but not the State tax; thereby depriving the State of revenue approximating the sum of $150,000 or more each year, which is due the State, now be it

Resolved, That the General Assembly call attention of the State Auditor to these facts and recommend that such action be taken as may be legal and proper for the collection of this revenue due the State and which is not being paid

Mr. Klair moved that said resolution be referred to the committee on judiciary.

Said motion was agreed to.

Mr. Redwine offered the following resolution, viz.:

Whereas, All the circuit court districts in this Commonwealth have been furnished the Kentucky Reports of the reported decisions

of the Court of Appeals except the 31, 32 and 33 districts, therefore be it

Resolved, By the General Assembly of the Commonwealth of Kentucky, that the State Librarian be, and is hereby, authorized and directed to furnish to each of the circuit judges of 31, 32 and 33 judicial districts of Kentucky one set each of the Kentucky Reports and Barbour's Digest (latest edition), said books to be held by and turned over to their successors in office.

The Librarian will furnish to the Auditor of Public Accounts an itemized account of the cost of said books and the auditor will draw his warrant upon the treasurer of this Commonwealth, payable out of any money not otherwise appropriated, payable to the Librarian for the cost of said books.

Which was read, ordered to be printed and referred to the committee on appropriations.

Mr. Gooch offered the following resolution, viz.:

Whereas, There is a great need of more legislative hours for work, therefore, be it

Resolved, By this lower House of this General Assembly that when this House adjourns its morning sessions it shall be to meet at three o'clock p. m. on each day during the remainder of the session, except Mondays and Saturdays, and continue until 5:30 o'clock p. m. on each of said days for the purpose of disposing of the orders of the day and special orders.

Said resolution was agreed to.

A message was received from the Senate, announcing that they had passed bills which originated in the House of the following titles, viz.:

H. B. 93. An act concerning circuit courts having continuous sessions, and two judges.

H. B. 94. An act to authorize and to add one additional judge

to the circuit court for the sixteenth circuit court district, and providing for the appointment and election thereof.

H. B. 145. An act providing the manner of adding one additional judge to circuit courts of continuous sessions in counties constituting separate judicial districts having one judge and establishing the divisions thereof.

That they had passed bills of the following titles, viz.:

1. S. B. 95. An act to amend and re-enact an act, entitled "An act to reapportion the State into eleven Congressional districts," approved May 26, 1890, and amendatory acts thereto, being section 418a, chapter 23a, Kentucky Statutes.

2. S. B. 122. Anact to provide for the participation of the State of Kentucky in the Jamestown Tri-Centenial Exposition to be held on or near the waters of Hampton Roads in the State of Virgiania in the year 1907, in commemoration of the first permanent settlement made in the United States by English speaking people, in the year 1607.

Said bills were ordered to be printed and were by the Speaker referred; the first to the Committee on Dedistricting and the second, to the Committee on Appropriations.

Mr. R. W. Miller offered the following resolution, viz.:

The following resolution by Mr. R. W. Miller was adopted:

Whereas, The report of the special committee of the House selected to try the contest case of Charles v. Campbell from the county of Pike only, recommended the allowance of $75 for all expenses and attorney's fees, and that said allowance being wholly inadequate to pay said contestee's attorney's fees; and

Whereas, The allowance for attorney's fees in nearly all of the contest cases has been from $150 to $200 in each case and additional stenographer's fees; therefore, be it

Resolved, That the sum of $150 be allowed the aforesaid contestee to enable the aforesaid contestee to enable him to pay his aforesaid

attorney's and stenographer's fees, and the sum of $75 be allowed the contestant, and same is declared to be a contingent expense of the House. The Auditor of Public Accounts is hereby directed to draw his warrant on the treasurer for the same, when a copy of this resolution has been certified to him.

Said resolution was agreed to.

Mr. Hannah called up for consideration from the clerk's desk, a resolution, entitled

H. Res. 17. A resolution requesting the Representatives of this Commonwealth in both Houses of Congress assembled at Washington to use their influence to secure an appropriation to purchase and convert the farm upon which Abraham Lincoln was born into a National park.

Said resolution was read and adopted.

Mr. Head moved that the rules be suspended in order to take up for consideration from the orders of the day and make the same a special order for 3:15 o'clock to-day a bill, enittled

H. B. 358. An act to amend and re-enact section 3140, Kentucky Statutes.

Said motion was disagreed to.

Mr. Hamon moved that the House do now call from the hands of the committee on Kentucky Statutes in order that the same may be taken up for consideration a bill, entitled

H. B. 160. An act to amend section 2560, Kentucky Statutes being a portion of article 1, chapter 81, of the Kentucky Statutes, entitled liquors, intoxicating.

Said motion was disagreed to.

Failing to receive two-thirds vote.

The yeas and nays being required thereon by Messrs George S. Wilson and Hamon, were as follows, viz.:

Those who voted in the affirmative were—

E. Barry, Charles C. Beard, B. O. Becker, Roger P. Blair, H. Kirby Bourne, W. T. Cain, M. F. Campbell, Bennett Clarke, Sam. D. Cochran, H. K. Cole, W. H. Cole, A. L. Denny, W. Reed Embry, Robert Enlow, M. T. Freeman, Taylor P. Gabbard, W. J. Gooch, John C. Griffith, Paul Gullion, W. C. Halbert, Albert Hamilton, J. A. Hamon, D. C. Hopper, W. J. Jackson, W. H. Jones, Henry C. Miller, R. W. Miller, J. M. Mitchell, V. W. Morris, John R. Ray, Richard S. Rose, J. T. Royalty, J. T. Scott, Ed. H. Shellman, T. J. Slaton, John A. Stevens, Zeb. A. Stewart, George W. Stone, C. C. Terry, C. F. Thornton, W. T. White, John B. Wicker, Geo. S. Wilson, J. T. Wilson, Munnell Wilson, Wm. Wilt, James C. Yaden, J. A. Yates—48.

Those who voted in the negative were—

J. M. Alverson, Louis W. Arnett, John Barr, W. G. Baxter, Peter Best, Jr., N. B. Chipman, J. W. Clay, W. D. Claybrooke, Lawrence J. Diskin, Thomas Drewry, J. A. Frazier, A. J. Gorham, B. P. Grigsby, Sr., James A. Hagan, L. P. Head, L. F. Johnson, Wm. F. Klair, Virgil McKnight, M. H. McLean, Chris Mueller, James S. Morris, Ion B. Nall, W. J. Osborne, Henry G. Overstreet, C. M. Paynter, J. M. Robertson, S. M. Russell, R. C. Simmons, Emmet P. Slattery, W. H. Southall, Hub L. Stevens, A. J. Thompson, Harry Weitkamp, J. Hal Woodford, W. T. Wright—35.

Mr. James S. Morris, of the committee on Kentucky Statutes, to which the same had been recommitted, reported a bill, entitled

H. B. 104. An act to amend section 1403 of the Kentucky Statutes, for the benefit of the widows and infant children of this Commonwealth.

Together with an amendment thereto by way of a substitute therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That subsection 5 of section 1403 of the Kentucky Statutes be, and it is hereby, amended, so that the list of articles set apart by the appraisers of decedent's estate, to the widow or infant child or children, shall include a sufficient amount of corn, hay, fodder or other feed stuff, to sustain the live stock included in said list for a period of twelve months, not to exceed in value $100, and if not on hand, other property in lieu thereof not to exceed $100 in value.

Said substitute is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That subsection 5 of section 1403, Kentucky Statutes, be amended and re-enacted, so that when amended it shall read as follows:

The following list of articles are exempt from distribution and sale, and shall be set apart to the widow or infant child or children by the appraisers of the estate of an intestate, to-wit:

Two horses or one horse and yoke of oxen; and if not on hand other property or money not to exceed in value one hundred dollars for each work horse or yoke of oxen; ten head of sheep; if none on hand, other property or money not to exceed one dollar and fifty cents per head; two cows and calves; if none, other property or money not to exceed twenty dollars for each cow and calf; all the poultry on hand; if none, other property or money not to exceed five dollars; all the spun yarn and manufactured cloth and carpeting manufactured by the family for its use; if none, in lieu thereof other property or money not to exceed twenty dollars; all of the wearing apparel; the family Bible and one table; or in lieu of the family Bible and table, three dollars each; two beds, bedding and furni-

ture; if not on hand other property or money not to exceed forty dollars in value each; one-half dozen plates; one-half dozen cups and saucers; one coffee pot; one tea pot; one-half dozen knives and forks; one oven and pot; if none on hand, other property or money not to exceed one dollar each; one cooking stove and appendages, and other cooking utensils, not exceeding twenty-five dollars in value; but if not on hand nothing shall be set apart in lieu thereof; one-half dozen chairs, or so many as shall not exceed eight dollars in value; and if not on hand, other property or money not to exceed eight dollars; one saddle and appendages, together with bridle, and if not on hand other property or money in lieu thereof not to exceed ten dollars; one plow and gear, or in lieu thereof, if none on hand, other property or money not to exceed ten dollars; one axe; one hoe; if none, other property or money not to exceed one dollar each; one wagon; if none, other property or money not to exceed fifty dollars; one sewing machine, if on hand; if not, nothing shall be set apart in lieu of it; a sufficiency of corn, fodder, hay or other feedstuff, if on hand, to sustain the live stock set apart, for a period of one year; if not on hand, other property or money, not to exceed one hundred dollars in value; a sufficiency of provisions, including breadstuff, to sustain the widow and infant children residing with her, one year; and if there is not a sufficiency of provisions on hand for that purpose, then so much of the live stock suitable for that purpose and of the growing crop, if any, as may be necessary to supply the deficiency; and if not on hand, other property or money, in lieu thereof, not to exceed fifty dollars, for the support of the widow and each infant child living with her. If there is an infant child or children, and no mother surviving, there shall be set apart for the support of such infant child or children the articles aforesaid; and if such articles are not on hand, then other articles or money shall be set apart in lieu thereof; but in no case shall the appraisers set apart to either widow, or child or children, property or money in lieu of the articles all owed by law, of greater value in the aggregate than seven hundred and fifty dollars. Widows without children, shall have the property aforesaid set

apart to them, the same as if they had infant children residing in the family, except there shall not be anything set apart for the support of infant children, if there be none residing in the family with the widow. The appraisers shall state in their appraisement the articles and the value of each, set apart by them to widows or infants, separately from the articles appraised for sale. The provisions of this section shall apply to cases where the husband dies testate, and the widow renounces the provisions of the will in the time prescribed by law.

Mr. Bourne offered the following amendment to said substitute: Amend by striking out the following words: "One loom, spinning wheel and cards or in lieu thereof either money or property not to exceed $15.00."

Said amendment was agreed to.

Said substitute as amended was agreed to.

Ordered that said bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and the same being engrossed, said bill was read the third time by its title and as amended passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | John C. Griffith, | John R. Ray, |
| Louis W. Arnett, | B. P. Grigsby, Sr., | M. M. Redwine, |
| John Barr, | Paul Gullion, | J. M. Robertson, |
| E. Barry, | James A. Hagan, | Richard S. Rose, |
| W. G. Baxter, | W. C. Halbert, | J. T. Royalty, |
| B. O. Becker, | Albert Hamilton, | S. M. Russell, |
| Peter Best, Jr., | J. A. Hamon, | J. T. Scott, |
| Roger P. Blair, | C. W. G. Hannah, | Ed. H. Shellman, |

| | | |
|---|---|---|
| H. Kirby Bourne, | L. P. Head, | T. J. Slaton, |
| W. T. Cain, | D. C. Hopper, | Emmet P. Slattery, |
| M. F. Campbell, | W. J. Jackson, | W. H. Southall, |
| N. B. Chipman, | L. F. Johnson, | Hub L. Stevens, |
| Bennett Clarke, | W. H. Jones, | John A. Stevens, |
| J. W. Clay, | Wm. F. Klair, | Zeb. A. Stewart, |
| W. D. Claybrooke, | Geo. D. Litsey, | George W. Stone, |
| Sam. D. Cochran, | H. M. McCarty, | C. C. Terry, |
| H. K. Cole, | Virgil McKnight, | A. J. Thompson, |
| Ed. Croan, | M. H. McLean, | C. F. Thornton, |
| Charles I. Dawson, | R. W. Miller, | T. A. Weldon, |
| A. L. Denny, | Chris Mueller, | W. T. White, |
| Thomas Drewry, | J. M. Mitchell, | Geo. S. Wilson, |
| W. Reed Embry, | V. W. Morris, | J. T. Wilson, |
| Robert Enlow, | James S. Morris, | Munnell Wilson, |
| J. A. Frazier, | Ed. Mulcahy, | Wm. Wilt, |
| M. T. Freeman, | Ion B. Nall, | J. Hal Woodford, |
| Taylor P. Gabbard, | W. J. Osborne, | W. T. Wright, |
| W. J. Gooch, | Henry G. Overstreet, | James C. Yaden, |
| A. J. Gorham, | C. M. Paynter, | J. A. Yates—86. |
| H. H. Griffin, | R. C. Simmons, | |

In the negative—none

Resolved, That the title thereof be as follows, viz.:

An act to amend and re-enact subsection 5 of section 1403, of the Kentucky Statutes.

Mr. James S. Morris, of the Committee on Court of Appeals, to which the same had been re-committed reported a bill, entitled:

S. B. 156. An act authorizing the Court of Appeals to appoint a commissioner of the Court of Appeals.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The judges of the Court of Appeals, a majority of them concurring, are hereby authorized to appoint a Commissioner of Ap-

peals, who shall hold office at the pleasure of the court and shall discharge such duties as may be assigned him by the court. The Commissioner must possess the qualifications of a judge of the Court of Appeals; he shall receive the same salary and be paid in the same way. When the business of the court does not require him, the court shall terminate the appointment of said Commissioner.

§ 2. Whereas, the Court of Appeals is now considerably behind the docket; and,

Whereas, the business of the court is steadily increasing, and a delay of justice is in many cases a denial of justice, an emergency exists and this act shall take effect from its passage and approval by the Governor.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | W. C. Halbert, | J. M. Robertson, |
| Louis W. Arnett, | J. A. Hamon, | J. T. Royalty, |
| John Barr, | L. P. Head, | S. M. Russell, |
| E. Barry, | L. F. Johnson, | J. T. Scott, |
| W. G. Baxter, | Wm. F. Klair, | Ed. H. Shellman, |
| Roger P. Blair, | Geo. D. Litsey, | R. C. Simmons, |
| Joe F. Bosworth, | Virgil McKnight, | T. J. Slaton, |
| H. Kirby Bourne, | M. H. McLean, | Emmet P. Slattery, |
| W. D. Claybrooke, | Henry C. Miller, | W. H. Southall, |
| Ed. Croan, | R. W. Miller, | Hub L. Stevens, |
| Charles I. Dawson, | Chris Mueller, | John A. Stevens, |
| Lawrence J. Diskin, | J. M. Mitchell, | C. F. Thornton, |
| Thomas Drewry, | James S. Morris, | Harry Weitkamp, |

W. Reed Embry,
J. A. Frazier,
W. J. Gooch,
A. J. Gorham,
B. P. Grigsby, Sr.,
Paul Gullion,
James A. Hagan,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
M. M. Redwine,
T. A. Weldon,
W. T. White,
John B. Wicker,
J. T. Wilson,
Munnell Wilson,
James G. Yaden—58.

Those who voted in the negative were—

Charles C. Beard,
B. O. Becker,
Peter Best, Jr.,
W. T. Cain,
M. F. Campbell,
N. B. Chipman,
Bennett Clarke,
H. K. Cole,
W. H. Cole,
Robert Enlow,
M. T. Freeman,
Taylor P. Gabbard,
H. H. Griffin,
John C. Griffith,
Albert Hamilton,
C. W. G. Hannah,
D. C. Hopper,
W. J. Jackson,
V. W. Morris,
John R. Ray,
Richard S. Rose.
Zeb. A. Stewart,
George W. Stone,
C. C. Terry,
A. J. Thompson,
Wm. Wilt,
J. Hal Woodford,
W. T. Wright,
J. A. Yates—29.

Resolved, That the title thereof be as aforesaid.

Mr. Dawson, of the Committee on Kentucky Statutes, to which the same had been re-committed, reported a bill, entitled

H. B. 261. An act giving to notes executed for advancements or loans on tobacco the force and effect of a mortgage, and providing for the acknowledgment and recording of same, and fixing the fees charged therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever any bank, banker, trust company or individual shall, under the provisions of this act, make any advance or loan of money on tobacco stored in barns, storage houses, warehouses, sheds, or elsewhere, and take a note therefor, the same shall constitute and be a lien on said tobacco.

§ 2. That in making said advances or loans, the following form of note shall be used.

$ .....

..... months after date, for value received, ..... promise to pay to the order of ....., the sum of ..... dollars, with interest thereon, it being an advance on my crop of tobacco, consisting of about ..... acres, raised on the farm of ....., in the county of ....., State of Kentucky, supposd to be about ..... pounds, now stored in .....

Amount of landlord's lien for rent, supplies, etc., $ .....

§ 3. The signer or signers of said notes shall acknowledge same before the county clerk, or any other officer authorized by law to take acknowledgments, for which service the officer taking said acknowledgment shall receive a fee of twenty-five cents.

§ 4. Said notes, after being duly acknowledged, shall be lodged with the county clerk for record, and he shall record same in a book kept in his office for that purpose, and, at the foot of said record, he shall make an entry noting the time said note was lodged in his office for record, giving the day of the month, and the exact time of day same was received, which information shall also be noted on the back of the note by the clerk. For his services in recording said note, the clerk shall receive a fee of twenty-five cents.

§ 5. Said note, when so recorded, shall have the force and effect of, and be enforced in the same way as a mortgage, but shall not take priority over a landlord's lien.

§ 6. Whereas the public welfare demands it, an emergency is declared to exist, and this act shall take effect from and after the date of its passage and approval by the Governor.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in ac-

cordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

J. M. Alverson,
Louis W. Arnett,
John Barr,
E. Barry,
W. G. Baxter,
B. O. Becker,
Peter Best, Jr.,
Roger P. Blair,
Joe F. Bosworth,
W. T. Cain,
M. F. Campbell,
N. B. Chipman,
Bennett Clarke,
J. W. Clay,
W. D. Claybrooke,
Sam. D. Cochran,
H. K. Cole,
W. H. Cole,
Henry M. Cox,
Ed. Croan,
Charles I. Dawson,
A. L. Denny,
Lawrence J. Diskin,
Thomas Drewry,
W. Reed Embry,
Robert Enlow,
J. A. Frazier,
M. T. Freeman,
Taylor P. Gabbard,
W. J. Gooch,
A. J. Gorham,
H. H. Griffin,
John C. Griffith,
B. P. Grigsby, Sr.,
Paul Gullion,
James A. Hagan,
W. C. Halbert,
Albert Hamilton,
L. P. Head,
D. C. Hopper,
W. J. Jackson,
W. H. Jones,
Wm. F. Klair,
Geo. D. Litsey,
H. M. McCarty,
Virgil McKnight,
Henry C. Miller,
R. W. Miller,
Chris Mueller,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
John R. Ray,
M. M. Redwine,
J. M. Robertson,
Richard S. Rose.
J. T. Royalty,
S. M. Russell,
J. T. Scott,
Ed. H. Shellman,
R. C. Simmons,
T. J. Slaton,
Emmet P. Slattery,
W. H. Southall,
Hub L. Stevens,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
C. C. Terry,
A. J. Thompson,
C. F. Thornton,
Harry Weitkamp,
W. T. White,
John B. Wicker,
J. Hal Woodford,
W. T. Wright,
J. A. Yates—80.

Those who voted in the negative were—

H. Kirby Bourne,
J. A. Hamon,
C. W. G. Hannah,
J. M. Mitchell,
V. W. Morris,
J. T. Wilson—6.

Resolved, That the title of said bill be as aforesaid.

Mr. Dawson moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

Mr. Shellman of the Committee on Appropriations, to which the same had been re-committed, reported a bill, entitled

H. B. 407. An act to amend an act, entitled "An act to establish houses of reform, one for boys and one for girls, and to provide for the government thereof, and making an appropriation therefor," which became a law March 21, 1896.

Together with an amendment thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled "An act to establish Houses of Reform, one for boys, and one for girls, and to provide for the government thereof, and making an appropriation therefor," which became a law March 21, 1896, be amended, first, by striking from said act section two thereof and inserting in lieu thereof the following:

"The general supervision and government of said institutions shall be vested in the Board of Penitentiary Commissioners as now is or may be hereafter organized under the laws of this Commonwealth. Said Board of Penitentiary Commissioners shall appoint subordinate officers and assistants as the requirements of the institutions may demand, and shall, subject to the approval of the Governor, fix their salaries and prescribe their duties and said Board of Penitentiary Commissioners shall, with the like aproval, adopt and enforce any and all such rules, regulations and by-laws, for the government and discipline of said institutions as they may deem useful and proper.

"Said Board of Penitentiary Commissioners shall appoint a secretary and treasurer of said institutions which shall hold office for a term of four years unless sooner removed by the board. The treasurer and secretary shall give such bond as the said board may direct and approve.

"Said board shall make an annual report of their actions, and the condition of the institution to the Governor.

"The Board of Penitentiary Commissioners as compensation for their services as prescribed by this act shall each receive the sum of $600.00 per annum to be paid monthly out of the Treasury of the Commonwealth of Kentucky upon the warrant of the Auditor, and traveling expenses when in discharge of their duties."

§ 2. Amend said act by striking therefrom section four thereof and inserting in lieu thereof the following:

"The Board of Penitentiary Commissioners by that style and name are authorized to receive and hold unto themselves and their successors, in trust for the State, any grant or devise of land, and any donation or bequest of money or other personal property, made for the use of said institutions, and for the purpose of preserving and investing the proceeds thereof in good securities, with all powers incident to, and necessary to, the exercise of the powers aforesaid, and to carry out and fulfill the purposes of this act. The funds, property and estate that may be granted to, or held by, such board for the uses hereinbefore expressed shall, with the income thereof, be exempted from taxation.

§ 3. Amend said act by striking therefrom section 19 thereof, and inserting in lieu thereof the following:

"§ 19. The Board of Penitentiary Commissioners when it appears to them expedient may cause any and all juvenile offenders, under the age of eighteen years of age, as are confined in the penitentiaries, to be removed and transferred to said House of Reform, the expense of such removal to be borne by the State."

Said amendment is as follows, viz.:

Amend by adding thereto the following:

§ 4. As soon as this law shall become effective the trustees of the School of Reform are directed to turn over the possession of said school with all the property, books and records pertaining thereto to the Board of Penitentiary Commissioners, who are au-

thorized to take possession of same and control said institution as provided by law.

§ 5. It being essential and necessary that there should be uniform control of all the penal institutions, of the Commonwealth by one authority, an emergency is declared to exist for the passage of this law, and the same shall, therefore, take effect and be in force upon the approval of the Governor.

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | Taylor P. Gabbard, | J. M. Robertson, |
| Louis W. Arnett, | W. J. Gooch, | J. T. Royalty, |
| John Barr, | H. H. Griffin, | S. M. Russell, |
| E. Barry, | John C. Griffith, | J. T. Scott, |
| W. G. Baxter, | B. P. Grigsby, Sr., | Ed. H. Shellman, |
| B. O. Becker, | Paul Gullion, | R. C. Simmons, |
| Peter Best, Jr., | James A. Hagan, | T. J. Slaton, |
| Roger P. Blair, | Albert Hamilton, | Emmet P. Slattery, |
| H. Kirby Bourne, | J. A. Hamon, | W. H. Southall, |
| W. T. Cain, | L. P. Head, | Hub L. Stevens, |
| M. F. Campbell, | W. J. Jackson, | John A. Stevens, |
| N. B. Chipman, | L. F. Johnson, | Zeb. A. Stewart, |
| Bennett Clarke, | W. H. Jones, | George W. Stone, |
| J. W. Clay, | Wm. F. Klair, | C. C. Terry, |
| W. D. Claybrooke, | H. M. McCarty, | A. J. Thompson, |
| Sam. D. Cochran, | Virgil McKnight, | C. F. Thornton, |
| H. K. Cole, | M. H. McLean, | T. A. Weldon, |
| W. H. Cole, | Henry C. Miller, | W. T. White, |

| | | |
|---|---|---|
| Henry M. Cox, | Chris Mueller, | John B. Wicker, |
| Ed. Croan, | J. M. Mitchell, | J. T. Wilson, |
| Charles I. Dawson, | Ed. Mulcahy, | Munnell Wilson, |
| A. L. Denny, | Ion B. Nall, | Wm. Wilt, |
| Lawrence J. Diskin, | W. J. Osborne, | J. Hal Woodford, |
| Thomas Drewry, | Henry G. Overstreet, | W. T. Wright, |
| W. Reed Embry, | C. M. Paynter, | James C. Yaden, |
| J. A. Frazier, | M. M. Redwine, | J. A. Yates—79. |
| M. T. Freeman, | | |

Those who voted in the negative were—

| | | |
|---|---|---|
| A. J. Gorham, | D. C. Hopper, | John R. Ray, |
| W. C. Halbert, | V. W. Morris, | Richard S. Rose—7. |
| C. W. G. Hannah, | | |

Resolved, That the title of said bill be as aforesaid.

Mr. Russell moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

Mr. Nall, of the Committee on Enrollments, reported that they had examined and found correctly enrolled bills, and a joint resolution of the following titles, viz.:

S. B. 157. An act to amend section 4692, of the Kentucky Statutes, being a portion of chapter 126, title Treasurer—State.

H. B. 93. An act concerning circuit courts having continuous sessions and two judges.

H. B. 94. An act to authorize and to add one additional judge to the circuit court for the sixteenth circuit court district, and providing for the appointment and election thereof.

H. B. 145. An act providing the manner of adding one additional judge to circuit courts of continuous session in counties constituting separate judicial districts having one judge and establishing the divisions thereof.

H. Res. 15. Resolution setting apart Thursday, 22d day of February, to celebrate the anniversary of the birth of Washington.

Thereupon all other business was suspended and said bills and joint resolution were severally read at length and examined in open session. And, being found correctly enrolled, the Speaker, in open session, in presence of the House, affixed his signature thereto.

Ordered that the enrolling clerk deliver same to the Senate.

The House took up for consideration from the calendar bills of the following titles, viz.:

H. B. 425. An act to further regulate the revenue laws of counties, cities and towns so as to carry into effect sections 157 and 180 of the present Constitution, and prescribing penalties for violation of same.

H. B. 301. An act to authorize the fiscal court in counties where public roads are maintained in whole or in part by taxation, to levy a vehicle tax and fixing the rates.

H. B. 282. An act to make uniform the salary paid circuit judges and to fix the same at five thousand dollars after the 31st day of December, 1909.

H. B. 408. An act to amend and re-enact section 4313, Kentucky Statutes, Carroll's edition, 1903.

S. B. 44. An act to prohibit the sale of toy pistols, cannons and explosives used by children in celebrations.

S. B. 96. An act to amend and re-enact section 12 of an act, entitled, "An act concerning the militia of the Commonwealth of Kentucky," approved March 13, 1893, and being section 2663 of the Kentucky Statutes.

S. B. 104. An act to amend and re-enact section 54 of an act, entitled An act concerning the militia of the Commonwealth of Kentucky, approved March 13, 1893, and amendatory acts thereto being section 2705 of the Kentucky Statutes.

H. B. 396. An act authorizing and empowering the Commissioners of the Sinking Fund to donate any interest the Commonwealth may own in any of the turnpike road companies in the State, when all the stock in any such turnpike company is owned by the Commonwealth and any county or counties, and such county or counties will undertake to make and maintain such turnpike free of toil to the traveling public.

H. B. 453. An act to amend section 418a of chapter 23a, Kentucky Statutes, edition of 1903, relating to congressional districts.

H. B. 217. An act relating to revenue and taxation, being section 4128 of the Kentucky Statutes be amended by adding to said section.

S. B. 6. An act to amend and re-enact an act, entitled "An act fixing the times and terms of the circuit courts in counties composing the several judicial districts in this Commonwealth," approved December 26, 1892, and an amendment thereto approved March 30, 1900, so far as the same applies to the Twenty-ninth Circuit Court District.

H. B. 432. An act creating the office of official stenographer for Circuit Court Districts of this Commonwealth, providing for his appointment, and prescribing his oath, duties and compensation.

H. B. 150. An act to amend section fourteen hundred and ninety-three (1493) of the Kentucky Statutes.

H. B. 105. An act to prevent and punish the desecration, mutilation or improper use of the flag of the United States of America.

H. B. 308. An act to amend an act, entitled 'An act relating to courts of justice, being chapter 221, act 1893," approved June 10, 1893.

H. B. 406. An act to amend section 1845, Kentucky Statutes.

H. B. 92. An act to amend an act entitled, "An act to make it unlawful to employ a child less than 14 years of age in workshops, mines, mills or factories."

H. B. 106. An act to amend sub-section No. 7 of section 57 of the Civil Code of Practice.

H. B. 144. An act to amend and re-enact an act, entitled 'An act to reapportion the State into eleven Congressional Districts," aproved May 26, 1890, and amendatory acts thereto, being section 418a chapter 23a, Kentucky Statutes.

H. B. 362. An act to divide the State of Kentucky into one hundred Representative Districts.

H. B. 488. An act to amend an act, entitled An act to assign the cities and towns of this Commonwealth to the classes to which they belong.

Ordered that said bill be read the second time.

The provision of the Constitution as to the second reading of said bills, at length, being dispensed with, said bills were severally read the second time by their titles, and placed in the orders of the day.

Mr. Shellman, of the committee on appropriations, to which the same had been recommitted reported a bill entitled

H. B. 418. An act to amend article 2 of an act, entitled "An act concerning animals," approved May 1, 1893, being article 2, chapter 5 of the Kentucky Statutes.

With the expression of opinion that said bill ought not to pass.

The question being taken on ordering said bill to a second reading, the opinion of the committee to the contrary notwithstanding it was decided in the negative.

And so said bill was rejected.

At twelve o'clock M.

The House took up for consideration from the orders of the day, a bill, entitled

H. B. 291. An act to regulate the employment of legislative counsel and agents, and to provide for the return legislative expenses.

Mr. R. W. Miller moved that said bill be made a special order of the day, for to-day at 1:15 o'clock p. m.

Mr. Thompson moved that said motion lie on the table.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. R. W. Miller and Bourne were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | H. H. Griffin, | Ion B. Nall, |
| W. G. Baxter, | John C. Griffith, | Henry G. Overstreet, |
| Peter Best, Jr., | Paul Gullion, | J. M. Robertson, |
| N. B. Chipman, | James A. Hagan, | T. J. Slaton, |
| J. W. Clay, | L. F. Johnson, | A. J. Thompson, |
| Ed. Croan, | Wm. F. Klair, | T. A. Weldon, |
| Thomas Drewry, | M. H. McLean, | W. T. Wright, |
| M. T. Freeman, | Chris Mueller, | James G. Yaden—24. |

Those who voted in the negative were—

| | | |
|---|---|---|
| Louis W. Arnett, | Albert Hamilton, | J. T. Royalty, |
| John Barr, | J. A. Hamon, | S. M. Russell, |
| E. Barry, | C. W. G. Hannah, | J. T. Scott, |
| Charles C. Beard, | L. P. Head, | Ed. H. Shellman, |
| B. O. Becker, | D. C. Hopper, | R. C. Simmons, |
| Roger P. Blair, | W. J. Jackson, | Hub L. Stevens, |
| H. Kirby Bourne, | W. H. Jones, | John A. Stevens, |
| Bennett Clarke, | Geo. D. Litsey, | Zeb. A. Stewart, |
| W. D. Claybrooke, | H. M. McCarty, | George W. Stone, |
| Sam. D. Cochran, | Virgil McKnight, | C. C. Terry, |
| H. K. Cole, | Henry C. Miller, | C. F. Thornton, |
| W. H. Cole, | R. W. Miller, | W. T. White, |
| Charles I. Dawson, | J. M. Mitchell, | John B. Wicker, |
| W. Reed Embry, | V. W. Morris, | Geo. S. Wilson, |
| Robert Enlow, | Ed. Mulcahy, | J. T. Wilson, |
| J. A. Frazier, | W. J. Osborne, | Munnell Wilson, |

| | | |
|---|---|---|
| Taylor P. Gabbard, | C. M. Paynter, | Wm. Wilt, |
| W. J. Gooch, | John R. Ray, | J. Hal Woodford, |
| B. P. Grigsby, Sr., | M. M. Redwine, | J. A. Yates—59. |
| W. C. Halbert, | Richard S. Rose, | |

Mr. Miller's motion was then agreed to.

The House took up for consideration from the orders of the day a bill, entitled

H. B. 325. An act to regulate the liability of employers to employes for injuries sustained by such employes while in the performance of their duties to their employers.

(For said bill and so forth, see yesterday's Journal.)

Mr. Simmons moved that the vote by which the first amendment offered by Mr. R. W. Miller on yesterday to the substitute pending to said bill was adopted be reconsidered.

Said motion was disagreed to.

Mr. Simmons moved that said bill and amendment be recommitted to the committee on judiciary.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 255. An act to amend an act, entitled "An act for the government of cities of the first class," approved July 1, 1893.

Together with an amendment thereto, by way of a substitute therefor, heretofore proposed by the committee on municipalities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 69 of an act entitled, "An act for the government of cities of the first class," approved July 1st, 1893, (which is section 2832 of the Kentucky Statutes), be, and the same is hereby

repealed, and in lieu thereof the following shall constitute said section, so that the same shall read as follows:

Public ways, as used in this act, shall mean all public streets, alleys, sidewalks, roads, lanes, avenues, highways and thoroughfares. Improvements as applied to public ways shall mean all work and material used upon them in the construction and reconstruction thereof, and shall be made and done as may be prescribed herein. No ground laid off and dedicated as a street or alley by the owner within any territory heretofore or hereafter annexed to the city, whether said ground was so laid off and dedicated before or after the same was included within the city limits, shall be a public way of the city until the same shall be accepted as such public way by resolution or ordinance of the General Council enacted upon the recommendation of the Board of Public Works. Upon the enactment by the General Council of an ordinance upon the recommendation of the Board of Public Works authorizing such action, it shall be the duty of the city attorney to institute an action for the city in the circuit court, for the purpose of closing any street or alley within the limits of the city, and to such suit all the owners of ground abutting on such street or alley shall be made defendants, and if all of such defendants are competent to act for themselves and consent in writing to the closing prayed for, then the court shall render a decree accordingly; but without such consent the court shall hear proofs made by the parties, and if satisfied from the evidence that the closing would be beneficial to the city, and not injurious to any party not consenting, shall render a decree closing such street or alley.

§ 2. That section 70 of an act entitled, "An Act for the government of cities of the first class," approved July 1st, 1893 (which is section 2833 of the Kentucky Statutes), be, and the same is hereby repealed, and in lieu thereof the following is inserted, so that said section shall read as follows:

When the improvement is the original construction of any street, road, lane, alley, or avenue, such improvement shall be made at the exclusive cost of the owners of lots in each fourth of a square

to be equally apportioned by the board of public works, according to the number of square feet owned by them, respectively, and in such improvements the cost of the curbing shall constitute a part of the cost of the construction of the streets or avenue, and not of the sidewalk. Each subdivision of the territory bounded on all sides by principal streets shall be deemed a square. When the territory contiguous to any public way is not defined into squares by principal streets, the ordinance providing for the improvement of such public ways shall state the depth, not exceeding five hundred feet, on both sides of said improvement to be assessed for the cost of making the same, including the cost of the improvement of the intersections, if any, of said public way, according to the number of square feet owned by the parties respectively within the depth, as set out in the ordinance. The general council shall have power by ordinance, recommended by the board of public works, to cause the digging and the walling of public wells and cisterns, and the placing of water plugs andfire hydrants and attachments to street water pipes in the public ways, and to apportion the cost thereof exclusively against the owners of lots fronting the public ways to the middle of each square from the intersection at or near which the work shall be located according to the number of square feet in such lots, or in any other equitable mode of apportionment which the general council may prescribe by ordinance, and lien shall exist against such lots for the respective apportionments by the board of public works, of the cost of digging and walling of public wells and cisterns, and the placing of water plugs and fire hydrants and attachments to street water pipes, with interest from the date of the apportionment at the rate of 6 per cent. per annum until paid.

§ 3. That section 205 of an act entitled "An Act for the government of cities of the first class," approved July 1st, 1893, (being section 2991 of the Kentucky Statutes), be amended, by inserting after the word "improvements" the words "or personal property," so that said section when amended shall read as follows:

Whenever, by any complaint of the party assessed or otherwise,

it appears that any property has been assessed in a name other than that of the owner or holder, the city assessor shall, after notice through the mail to the owner or holder, at the time of the notice, make the correction, whether for the current or any preceding year, in his books, and certify such correction to the tax receiver; and to the corrected assessment and to the retrospective assessments hereinafter authorized, the remedies of sections 2997 and 3009, both inclusive, shall attach, beginning with the first of May after the correction of retrospective assessments is certified to the receiver. When any lands or improvements or personal property shall not be assessed in any one year, they may, when the omission is discovered, be assessed retrospectively for that year at any time not later than five years thereafter; but the lien thereby accruing to the city shall not prejudice the right of purchasers acquired in the meantime; and for any damage arising to the city by the loss of lien, the assessor guilty of the omission, together with his bondsmen, shall be liable. Any person thus retrospectively assessed may, within thirty days after the mailing of a notice thereof to him, file in the assessor's office the complaint provided for in the next section. If he does so, the assessment shall not become binding, nor shall any bill be issued thereupon until it be passed on as in the next section provided.

§ 4. That section 206 of said act for the government of cities of the first class (which is section 292 of the Kentucky Statutes), be amended by inserting before the word "lands" the words "personal property," so that said section when amended shall read as follows:

The assessment books in the section named shall remain open in the assessor's office from the fifteenth to the thirtieth of November, and any one who thinks that his personal property, lands, or improvements, or those in which he has an interest, though they be not assessed in his name, have been assessed beyond their value, may, before the last-named day, file with the assessor his complaint, specifying the parcel and alleged excess, and the complaint shall forthwith be investigated by the board of equalization, which shall, according to the justice of the case, approve or reduce the

assessment. It may, after notice to any taxpayer, increase the assessment, if satisfied, on investigation, that it is too low, either as to real or personal property.

§ 5. That section 212 of said act for the government of cities of the first class (which is section 298 of the Kentucky Statutes) be repealed, and in lieu thereof the following shall constitute said section, so that the same read as follows:

All tax bills uncollected in whole or in part, and which remain in the hands of the tax receiver on the first day of May succeeding the date on which they were listed with him for collection against any person owning property in his own right, shall be deemed a debt from such person to said city arising as by contract, and may be enforced as such (except those against persons under the disability of infancy, coverture or unsound mind), by all remedies given for the recovery of debt in any court of this Commonwealth otherwise competent for that purpose; and those bills assessed against an administrator, executor or trustee shall be a charge against the whole succession of trust estates and may be in either case enforced accordingly, this being in addition to the other remedies hereinafter given. All tax bills remaining unpaid on the first day of May, succeeding the date on which they were listed with the tax receiver for collection, shall bear interest at the rate of one-half of 1 per cent. for every month, or fraction of a month, from date until the first day of the next succeeding May; and thereafter shall bear interest at the rate of 1 per cent. for every month or fraction of a month until paid.

§ 6. That section 225 of said act for the government of cities of the first class, and the amendments thereto (being section 3011 of the Kentucky Statutes), be, and the same is hereby repealed, and in lieu thereof the following shall constitnte said section, so that the same shall read as follows:

Pursuant to the authority conferred by section 2980 of the Kentucky Statutes, the general council may by ordinance provide, in addition to advalorem taxation, for licensing any business, trade, calling, occupation or profession, and the using, holding, or ex-

hibiting any animal, article, or other thing, whether the same were or were not heretofore enumerated in any statute, and may fix in each case a license fee, all such fees to be paid into the sinking fund of such city.

This act shall in no way affect the validity of any license heretofore issued nor any penalty already incurred under any statute or ordinance requiring a license in such city.

§ 7. That section 226 of said act for the government of cities of the first class (being sec. 3012 of the Kentucky Statutes), be repealed, and in lieu thereof the following shall constitute said section, so that the same shall read as follows:

Each ordinance of such city imposing a license shall fix the fee to be paid therefor by the licensee, and shall also provide a penalty for failing to obtain such license when required so to do; provided, however, that nothing in any section of this act shall in any way affect the statutes and ordinances now in force in regard to liquor licenses.

§ 8. That section 67 of said act for the government of cities of the first class, (being sec. 2829 of the Kentucky Statutes), be amended by striking out the last sentence thereof, and inserting in lieu thereof, the following:

"Said board shall let said contract to the lowest and best bidder, which contract shall be subject to the approval of the general council. Said board shall have the power to reject any and all bids;" so that said section when amended shall read as follows:

"Whenever said board shall order any work to be done which, either by order of said board or according to law, is to be performed by independent contract, said board shall prepare and place on file in the office of said department complete drawings and specifications of such work. Thereupon said board shall cause a notice to be published in one daily or weekly newspaper of general circulation published in said city, once in each week for two weeks, informing the public of the general nature of the work, of the fact that the drawings and specifications are on file in said office, and of the nature and extent of the bond or security required, and calling

for sealed proposals of said work by a day not earlier than ten days after the first of said publications. The board may, in its discretion, fix a later day for receiving said sealed proposals, provided such date shall be mentioned in each of said notices. Said board shall let said contract to the lowest and best bidder, which contract shall be subject to the approval of the general council. Said board shall have the power to reject any and all bids."

§ 9. Owing to the fact that these amendments are needed to justly carry into effect the provisions of the act hereby amended, an emergency is hereby declared to exist, and this act shall take effect and become a law from and after its passage and approval by the Governor.

Said substitute is as follows, viz.:

§ 1. That section 70 of an act entitled, "An act for the government of cities of the first class," approved July 1st, 1893 (which is sec. 2833 of the Kentucky Statutes), be, and the same is hereby repealed, and in lieu thereof the following is inserted, so that said section shall read as follows:

When the improvement is the original construction of any street, road, lane, alley, or avenue, such improvement shall be made at the exclusive cost of the owners of lots in each fourth of a square to be equally apportioned by the board of public works, according to the number of square feet owned by them, respectively, and in such improvements the cost of the curbing shall constitute a part of the cost of the construction of the streets or avenue, and not of the sidewalk. Each subdivision of the territory bounded on all sides by principal streets shall be deemed a square. When the territory contiguous to any public way is not defined into squares by principal streets, the ordinance providing for the improvement of such public ways shall state the depth, not exceeding five hundred feet, on both sides of said improvement to be assessed for the cost of making the same, including the cost of the improvement to the intersections, if any, of said public way, according to the number of square feet owned by the parties respectively within the depth, as set out in the

ordinance. The general council shall have power by ordinance, recommended by the board of public works, to cause the digging and the walling of public wells and cisterns, and the placing of water-plugs and fire-hydrants and attachments to street water-pipes in the public ways, and to apportion the cost thereof exclusively against the owners of lots fronting the public ways to the middle of each square from the intersection at or near which the work shall be located, according to the number of square feet in such lots, or in any other equitable mode of apportionment which the general council may prescribe by ordinance, and lien shall exist against such lots for the respective apportionments by the board of public works, of the cost of digging and walling of public wells and cisterns, and the placing of water-plugs and fire-hydrants and attachments to street water-pipes, with interest from the date of the apportionment at the rate of 6 per cent. per annum, until paid.

§ 2. That section 205 of an act entitled, "An act for the government of cities of the first class," approved July 1st, 1893 (being sec. 2991 of the Kentucky Statutes), be amended, by inserting after the word "improvements," the words, "or personal property," so that said section when amended will read as follows:

Whenever, by any complaint of the party assessed or otherwise, it appears that any property has been assessed in a name other than that of the owner or holder, the city assessor shall, after notice through the mail to the owner or holder, at the time of the notice, make the correction, whether for the current or for any preceding year, in his books, and certify such correction to the tax receiver; and to the corrected assessment and to the retrospective assessments hereinafter authorized, the remedies of sections 2997 and 3009, both inclusive, shall attach, beginning with the first of May after the correction of retrospective assessments is certified to the receiver. When any lands or improvements, or personal property, shall not be assessed in any one year, they may, when the omission is discovered, be assessed retrospectively for that year at any time not later than five years thereafter; but the lien thereby accruing shall not prejudice the right of purchasers acquired in the meantime; and

for any damage arising to the city by the loss of lien, the assessor guilty of the omission, together with his bondsmen, shall be liable. Any person thus retrospectively assessed may, within thirty days after the mailing of a notice thereof to him, file in the assessor's office the complaint provided for in the next section. If he does so, the assessment does not become binding, nor shall any bill be issued thereupon until it be passed on as in the next section provided.

§ 3. That section 206 of said act for the government of cities of the first class (which is sec. 2992 of the Kentucky Statutes), be amended by inserting before the word "lands" the words "personal property," so that said section when amended shall read as follows:

The assessment books in the section named shall remain open in the assessor's office from the fifteenth to the thirtieth of November, and any one who thinks that his personal property, lands, or improvements, or those in which he has an interest, though they be not assessed in his name, have been assessed beyond their value, may, before the last named day, file with the assessor his complaint, specifying the parcel and the alleged excess, and the complaint shall be forthwith investigated by the board of equalization, which shall, according to the justice of the case, approve or reduce the assessment. It may, after notice to any tax-payer, increase the assessment, if satisfied, on investigation, that it is too low, either as to real or personal property.

§ 4. That section 212 of said act for the government of cities of the first class (which is sec. 2998 of the Kentucky Statutes), be repealed, and in lieu thereof the following shall constitute said section, so that the same read as follows:

All tax bills uncollected in whole or in part, and which remain in the hands of the tax receiver on the first day of May succeeding the date on which they were listed with him for collection, against any person owning property in his own right, shall be deemed a debt from such person to said city arising as by contract and may be enforced as such (except those persons under the disability of infancy, coverture or unsound mind), by all remedies given for the recovery of debt in any court of this Commonwealth otherwise

competent for that purpose; and those bills assessed against an administrator, executor or trustee shall be a charge against the whole succession of trust estates and may be in either case enforced accordingly, this being in addition to the other remedies hereinafter given. All tax bills remaining unpaid on the first day of May, succeeding the date on which they were listed with the tax receiver for collection, shall bear interest at the rate of one-half of one per cent. for every month, or fraction of a month, from date until the first day of the next succeeding May; and thereafter shall bear interest at the rate of 1 per cent. for every month or fraction of a month until paid.

§ 5. That section 225 of said act for the government of cities of the first class, and the amendments thereto (being sec. 3011 of the Kentucky Statutes), be, and the same is hereby repealed, and in lieu thereof the following shall constitute said section, so that the same shall read as follows:

Pursuant to the authority conferred by sec. 2980 of the Kentucky Statutes, the general council may by ordinance provide, in addition to advalorem taxation, for licensing any business, trade, calling, occupation or profession, and the using, or holding, or exhibitiny any animal, article, or other thing, whether the same were or were not heretofore enumerated in any statute, and may fix in each case a license fee, all such fees to be paid into the sinking fund of such city.

This act shall in no way affect the validity of any license heretofore issued nor any penalty already incurred under any statute or ordinance requiring a license in such city.

§ 6. That section 226 of said act for the government of cities of the first class (being sec. 3012 of the Kentucky Statutes) be repealed, and in lieu thereof the following shall constitute said section so that the same shall read as follows:

Each ordinance of such city imposing a license shall fix the fee to be paid therefor by the licensee, and shall also prescribe a penalty for failing to obtain said license when required so to do; provided, however, that nothing in any section of this act shall in any

way affect the statutes and ordinances now in force in regard to the liquor licenses.

§ 7 That section 67 of said act for the government of cities of the first class, (being sec. 2829 of the Kentucky Statutes), be amended by striking out the last sentence thereof, and inserting in lieu thereof, the following:

"Said board shall let said contract to the lowest and best bidder, which contract shall be subject to the approval of the general council. Said Board shall have the power to reject any and all bids;" so that said section when amended shall read as follows:

"Whenever said board shall order any work to be done which, either by order of said board or according to law, is to be performed by independent contract, said board shall prepare and place on fihe in the office of said department complete drawings and specifications of said work. Thereupon said board shall cause a notice to be published in one daily or weekly newspaper of general circulation published in said city, once in each week for two weeks, informing the public of the general nature of the work, of the fact that the drawings and specifications are on file in said office, and of the nature and extent of the bond or security required, and calling for sealed proposals for said work by a day not earlier than ten days after the first of said publications. The board may, in its discretion, fix a later day for receiving said sealed proposals, provided such date shall be mentioned in each of said notices. Said board shall let said contract to the lowest and best bidder, which contract shall be subject to the approval of the general council. Said board shall have the power to reject any and all bids."

§ 8. Owing to the fact that these amendments are needed to justly carry into effect the provisions of the act hereby amended, an emergency is hereby declared to exist, and this act shall take effect and become a law from and after its passage and approval by the Governor.

Said substitute was agreed to.

Ordered that said bill be engrossed and read the third time.

The provisions of the Constitution as to the third reading of said bill, at length, being dispensed with, and the same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | W. Reed Embry, | J. M. Mitchell, |
| Louis W. Arnett, | W. J. Gooch, | James S. Morris, |
| John Barr, | A. J. Gorham, | Ed. Mulcahy, |
| E. Barry, | B. P. Grigsby, Sr., | W. J. Osborne, |
| W. G. Baxter, | James A. Hagan, | Henry G. Overstreet, |
| Joe F. Bosworth, | Albert Hamilton, | J. M. Robertson, |
| H. Kirby Bourne, | J. A. Hamon, | Ed. H. Shellman, |
| W. T. Cain, | C. W. G. Hannah, | Emmet P. Slattery, |
| M. F. Campbell, | L. P. Head, | Hub L. Stevens, |
| N. B. Chipman, | D. C. Hopper, | John A. Stevens, |
| Bennett Clarke, | L. F. Johnson, | George W. Stone, |
| J. W. Clay, | Wm. F. Klair, | C. C. Terry, |
| W. D. Claybrooke, | Geo. D. Litsey, | A. J. Thompson, |
| Sam. D. Cochran, | H. M. McCarty, | C. F. Thornton, |
| H. K. Cole, | Virgil McKnight, | Harry Weitkamp, |
| W. H. Cole, | M. H. McLean, | W. T. White, |
| Henry M. Cox, | Henry C. Miller, | John B. Wicker, |
| Lawrence J. Diskin, | R. W. Miller, | W. B. Wright—56. |
| Thomas Drewry, | Chris Mueller, | |

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

Mr. Slattery moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

And then the House adjourned until three o'clock this afternoon.

AFTERNOON SESSION.

At three o'clock p. m.

The House met pursuant to a resolution heretofore adopted.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 358. An act to amend and re-enact section 3140, Kentucky Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 3140 of Kentucky Statutes be, and the same is hereby, amended by adding to said section the following words:

"Provided the number of policemen and detectives shall not be less than thirty in addition to the chief of police, captain of police and lieutenant of police," so that said section 3140 shall, when amended, read as follows

The number of firemen or policemen and officers of either department may be such as the general council may, from time to time, ordain, and may be increased or diminished upon petition of the commissioners in that behalf; and said general council shall, by ordinance, provide for the payment of salaries of the fireman and policemen and officers of either of said departments, and other expenses: Provided, That the number of policemen and detectives shall not be less than thirty, in addition to the chief of police, captain of police and lieutenant of police.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision ofthe Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | W. J. Gooch, | J. M. Robertson, |
| Louis W. Arnett, | A. J. Gorham, | Richard S. Rose, |
| John Barr, | John C. Griffith, | J. T. Royalty, |
| E. Barry, | B. P. Grigsby, Sr., | S. M. Russell, |
| B. O. Becker, | W. C. Halbert, | J. T. Scott, |
| Peter Best, Jr., | Albert Hamilton, | Ed. H. Shellman, |
| Joe F. Bosworth, | C. W. G. Hannah, | R. C. Simmons, |
| H. Kirby Bourne, | L. P. Head, | T. J. Slaton, |
| W. T. Cain, | W. J. Jackson, | Emmet P. Slattery, |
| M. F. Campbell, | L. F. Johnson, | W. H. Southall, |
| N. B. Chipman, | Wm. F. Klair, | Hub L. Stevens, |
| Bennett Clarke, | Geo. D. Litsey, | Zeb. A. Stewart, |
| J. W. Clay, | H. M. McCarty, | George W. Stone, |
| W. D. Claybrooke, | Virgil McKnight, | C. C. Terry, |
| Sam. D. Cochran, | M. H. McLean, | A. J. Thompson, |
| H. K. Cole, | Henry C. Miller, | C. F. Thornton, |
| W. H. Cole, | R. W. Miller, | Harry Weitkamp, |
| Henry M. Cox, | J. M. Mitchell, | T. A. Weldon, |
| Ed. Croan, | V. W. Morris, | W. T. White, |
| Charles I. Dawson, | James S. Morris, | John B. Wicker, |
| A. L. Denny, | Ed. Mulcahy, | Geo. S. Wilson, |
| Lawrence J. Diskin, | Ion B. Nall, | J. T. Wilson, |
| Thomas Drewry, | W. J. Osborne, | Munnell Wilson, |
| Robert Enlow, | Henry G. Overstreet, | J. Hal Woodford, |
| J. A. Frazier, | C. M. Paynter, | W. T. Wright, |
| M. T. Freeman, | John R. Ray, | James C. Yaden, |
| Taylor P. Gabbard, | M. M. Redwine, | Will A. Young—81. |

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

Mr. Head moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

Mr. Drewry moved that out of respect to the memory of George Washington, as to-morrow is the anniversary of his birth, when the

House adjourns to-day, it be to meet at 10:15 o'clock a. m. Friday next, the 23d instant.

Said motion was agreed to.

The House took up for consideration from the orders of the day, a bill, entitled

H. B. 383. An act to further regulate the common schools of the State, provide for the election of a county board of education, defining their powers and appointment of official school visitors.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That each and every county in this Commonwealth shall compose one school district, excepting cities maintaining separate school systems, and districts in which graded common schools now exist, or may be hereafter created or established under the provisions of the law now relating to the establishment of graded common schools, and shall be confided to the control of a county board of education.

§ 2. The county superintendent of schools, county judge and the county attorney in each county of this Commonwealth is hereby created a commission to divide their respective counties into four districts, as nearly equal in area as practicable, to be hereinafter called Educational Districts Nos. 1, 2, 3 and 4, respectively. The said board shall be called together by the county superintendent of schools between the first day of September and the first day of October, in the year 1906, to lay off and determine the boundaries of said districts, and the boundaries of said districts, when so laid off by the said county superintendent, county judge and county attorney, shall be recorded by the county superintendent in a book kept in his office for that purpose, and said boundaries, when so recorded, shall be a matter of public record.

§ 3. That at the regular November election, in the year 1907,

there shall be elected by the qualified voters of the respective counties, as is now provided by law for the election of county officers, one free-holder, possessing the qualifications of a legal voter, from each educational district, who shall constitute a county board of education; Provided, however, That the members from each educational district shall be elected by the voters of the entire county, except that voters residing in cities maintaining a separate school system, and in districts in which a graded common school exists, shall not participate in said election; and Provided further, That no publisher or publishers of school books, and no one who shall be pecuniarily interested, directly or indirectly, in the sale of school books, or school supplies, shall be eligible for election as a member of the county board of education; and if, after his election, any member shall, directly or indirectly, become interested in the sale of textbooks, or school supplies, he shall forfeit his office.

The members of said board of education shall qualify and assume office and organize on the first Monday in January, succeeding their election. The members then elected shall hold their offices, one-half for two years, and one-half for four years, as shall be determined by lot at the first meeting of said board after their election and induction into office.

Every two years thereafter there shall be elected for four years one member in each educational district in which the term of his predecessor in office shall then expire.

§ 4. That whenever the members of the county board are elected in pursuance to the provisions of the preceding section, it shall be the duty of the county board of election commissioners to issue to said successful candidates certificates in triplicate, one to be given to the person elected, one to be filed in the county clerk's office, and the other lodged with the county superintendent, and by him forwarded to the superintendent of public instruction. Any member or members of the county board of education may be removed from office by the county judge for inefficiency, incapacity, general neglect of duty, or malfeasance or corruption in office; Provided, however, That

charges must be preferred against such member by the county attorney upon information or belief, and the said county judge shall hear the cause and render judgment therein. If a vacancy shall occur by the death, resignation, or removal of any member, the vacancy shall be filled by appointment by the county judge, and said appointee shall continue in office until his successor is elected and qualified; Provided, The unexpired term for which he is appointed will expire at the next succeeding annual election at which either city, town, county, district or State officers are to be elected. If the unexpired term will not end at the next succeeding annual election at which either city, town, county, district or State officers are to be elected, and if three months intervene before said succeeding annual election, at which either city, town, county, district or State officers are to be elected, the office shall be filled by appointment by the county judge until said election, and then said vacancy shall be filled by election for the remainder of the term. If three months do not interevene between the happening of said vacancy and the next succeeding annual election at which city, town, county, district or State officers are to be elected, the office shall be filled by appointment until the second succeeding annual election at which city, town, county, district or State officers are to be elected; and then if any part of the term remains unexpired, the office shall be filled by election until the time of the regular election to fill said office.

§ 5. The county superintendent shall be ex officio president of the said county board of education, and shall have the right to participate and vote in all its proceedings. Upon its organization, as hereinbefore provided for, said board shall elect from its membership a secretary, whose duty it shall be to record in a book kept for that purpose all the official proceedings of said board, which shall be a public record, always open to the inspection of any one interested therein; and all such proceedings when so recorded shall be read at each meeting, and if approved, signed by the president and secretary. At the same time said board shall also elect one of its members treasurer, who shall execute good and sufficient bond, which

shall be approved by the county judge, for all money coming into his hands by reason of said treasurship. Said bond when so approved shall be filed of record in the county clerk's office, and renewed annually. It shall be the duty of the treasurer to make an itemized statement on or before the fifteenth day of July of each year to the board of education of all money that has come into his hands as treasurer during the year, from what source derived, how expended, and he shall account for any balance, if any, remaining in his hands and unexpended. A copy of this report shall at the same time be furnished the county superintendent. The treasurer shall also make an annual settlement with the county judge as is now required of county superintendents.

§ 6. The county board of education shall lay off their respective counties into sub-school districts, in each of which sub-school districts they shall establish and maintain one common school for the white pupil children, and one common school for the colored pupil children, where the population of the two races is sufficient, which school shall be as near the center of the sub-school district as may be practicable, reference being had to any school house already erected, and to the population of said sub-school district and to the location of the white and colored school with regard to contiguity. When ever it becomes necessary to lay off or establish new sub-school districts, or to alter the boundaries of those already established, said board of education shall have full power to make changes as the public good may demand, and all other powers and duties which have heretofore been held and performed by common school trustees not in conflict with the provisions of this act are herewith vested with the board of education.

§ 7. Whenever the residents of any sub-school district or districts desire to establish a graded common school in any territory affected by this act, the county judge shall, upon a petition signed by at least fifteen resident taxpayers of the territory in which said proposed graded common school is to be established, and approved by the county superintendent, proceed to order an election to de-

termine the sense of the legal voters in said proposed graded common school district upon said proposition, in accordance with the law now in force in regard to the establishment of graded common schools.

§ 8. It shall be the duty of the county board of education to hold regular monthly meetings on the first Monday of each month at the office of the county superintendent for the transaction of business pertaining to the public schools of the county, with power to adjourn from time to time, and for each monthly meeting which shall not exceed two days in duration each member of the board shall receive a compensation of two dollars per diem, the amount due such members to be paid by the treasurer of said board upon a warrant drawn by the secretary and countersigned by the president; Provided, however, That nothing in this section shall be construed to prevent the president of said board calling it together in extra session whenever he may deem it advisable and expedient; Provided, further, That in no year shall the number of days in which said board is in session exceed twenty.

§ 9. The county board of education shall have power to employ teachers for the various sub-school districts of their respective counties, but no such contract shall be entered into by the said board prior to the first Monday in May of each year, and all teachers so employed shall possess the qualifications now required by law. The contract for the services of the teachers so elected shall be in writing, signed in duplicate by the teacher and by the president on behalf of the board of education. All teachers shall be elected and assigned by the board of education to the several schools within their jurisdiction, and may be removed by the county superintendent for inefficiency, immorality, inability, insubordination, or for disobeying any lawful or reasonable rules which the county board of education may make for the welfare of the schools, or for violating any of the laws now in existence for the government of public school teachers of this Commonwealth. The salaries of said teachers elected under the provisions of this act shall be regulated in conformity with the law now existing with regard to first class, second class and third class certificates of qualifications.

§ 10. At their first meeting after their election and qualification under this act, the board of education shall appoint an official visitor in each sub-school district, who shall be an intelligent and upright citizen, and written notice of appointment shall be a sufficient warrant for entering upon the performance of his duties; Provided, however, That no one shall act in said capacity until he shall have taken an oath before the magistrate of his district to faithfully perform the duties of said office, and a certificate of said oath shall be forwarded by said magistrate to the president of the board of education. It shall be the duty of said official visitor to supervise under the direction of the county board of education, the schools of his district, to visit the schools therein at least once a month during the term, to assign reports at the end of each scholastic month, showing that the teacher is according to law entitled to his salary, to report to the board of education such things as are necessary for the health and comfort of the pupils, such as suitable buildings, apparatus, furniture, blackboards, fuel and other things that may be necessary for the comfortable and efficient conduct of the schools. Said official visitor shall hold office for a period of four years, but may be dismissed by the board of education at any time they may deem that the good of the sub-district may so require.

§ 11. The county board of education shall have power to purchase, lease or rent school sites to build, to repair or to rent school houses, purchase maps, globes, apparatus and school furniture, and to make all other arrangements that may be necessary to the efficient operation of the schools under its care, and said board shall be, and is hereby, vested with the title, care and custody of all school houses, sites, libraries or other property belonging to the sub-school districts in their several counties with full power to control the same in such manner as they may think best subserves the interests of the common school, and when, in the opinion of the board, any site or school house has become unnecessary or inconvenient, they may sell and convey the same in the name of the county board of education, such conveyance to be executed by the president of said

board in accordance with the order of the board. It shall have power to receive any gift, grant, donation or devise made for the use of the common school within their respective counties, and all conveyances of real estate which shall be made to said board of education shall vest the property in said board and their successors in office for the use and benefit of the common schools of said county. It shall be the duty of said board of education to make arrangements for the instruction of the white and colored races in separate schools, and they shall, as far as practicable, provide the same facilities for both races, in respect to buying school sites, building and repairing school houses, and purchasing apparatus, the taxes collected from white citizens shall be applied to the schools of the white race, and those collected from the colored races shall be applied to the improvement of the colored schools; Provided, however, That the railroad taxes shall be apportioned between the two races according to the number of children of each race listed in the census reports.

§ 12. For the purpose of providing a fund for buying school sites, building, repairing, furnishing school houses, providing fuel, crayon, buckets, brooms and otherwise insuring the comfortable conduct of the schools, for paying the per diem of the members of the county board of education, the president excepted, and for the taking of the census as hereinafter provided, the county board of education shall, on or before the first Monday in April of each year, fix the rate of taxation to be levied and make the levy on all taxable property located in the territory affected by this act, necessary to create a fund that may be needed for any and all purposes set forth in this section, which levy shall be immediately certified by the board of education to the sheriff of said county, and same shall be collected by him as other State and county taxes, for which he shall receive the same compensation as for collecting State and county taxes, and said taxes when collected shall be paid by him to the treasurer of the board of education; Provided, however, That the sheriff shall keep a separate account of all taxes received from white and colored citizens; and Provided, further, That all taxes,

so received from colored citizens shall be used for the benefit of colored schools, and all taxes received from white citizens shall be used for the benefit of white schools.

§ 13. It shall be the duty of the official visitor, under the direction of the county superintendent to take the census of the school children in his sub-school district, as is now provided by law, and the said enumerators shall receive five cents of each name reported, same to be paid by the treasurer of the board of education upon a warrant drawn by the secretary and countersigned by the president of the board of education. Any census taker who makes and certifies a false census of the pupil children of any sub-school district, shall, in addition to the punishment for false swearing, be fined fifty dollars.

Said census shall be taken upon blanks provided by the Superintendent of Public Instruction, who shall give such direction for the government of said census taking as he may deem necessary.

§ 14. The county superintendent shall constitute a tribunal for hearing and determining any matters of local controversy with reference to the construction or administration of the school law, and his decision shall be binding upon all parties to the controversy; Provided, however, That either of the parties to the controversy shall have the right to appeal to the State Board of Education, and said appeal shall be in writing and shall distinctly set forth the question in dispute.

§ 15. All acts and parts of acts in conflict with the provisions of this act are hereby repealed, but all acts relating to common schools not inconsistent with this act shall continue in full force and effect.

Mr. Bourne offered the following amendment to said bill, viz.:

Amend by adding to section 12, the following: "provided, that all moneys levied and collected from any school district shall be expended therein."

Said amendment was disagreed to.

Mr. Thompson offered the following amendment to said bill, viz.:

"It shall be optional in each county whether they accept the provisions of this bill through the actions of the fiscal court."

Said amendment was disagreed to.

Mr. Enlow offered the following amendment to said bill, viz.:

"That the official visitor as required in section 10 of this act be elected by each sub-district as now required by the common school law."

Said amendment was disagreed to.

Mr. Halbert offered the following amendment to said bill, viz.:

Amend section 12 of act, by inserting after the word "section" in tenth line, the words, "which tax shall not exceed twenty-five cents on the one hundred dollars on all property subject to taxation for State purposes."

Said amendment was disagreed to.

Mr. Freeman offered the following amendment to said bill, viz.:

In section 2, line 5, after the word "respectively," insert the following:

They and their successors shall be a body-politic and corporate, with perpetual succession, by the name of the county board of education for their county; and as such may sue and be sued, take, hold and dispose of real and personal estate for the maintenance, use and benefit of the common schools of their county. Their private seals or scrolls shall stand in lieu of a corporate seal. In the acquisition of land as a site for a school house, the title thereof shall be made in fee-simple to the county board of education, and the titles to lands now used as sites for school houses shall, at the earliest possible time, be perfected by the county board of education, and the county superintendent. Any reversionary interest in any land now used as a site for a school house, shall not deprive the sub-districts of the school house or other improvements thereon.

Also in section 4, line 11, be amended by striking out the words "or belief."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, and the same being engrossed, it was read the third time by its title, and as amended was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provsion of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | D. C. Hopper, | J. T. Scott, |
| Roger P. Blair, | L. F. Johnson, | R. C. Simmons, |
| Joe F. Bosworth, | Wm. F. Klair, | T. J. Slaton, |
| W. D. Claybrooke, | Geo. D. Litsey, | Emmet P. Slattery, |
| H. K. Cole, | H. M. McCarty, | W. H. Southall, |
| Henry M. Cox, | M. H. McLean, | George W. Stone, |
| Ed. Croan, | Henry C. Miller, | Harry Weitkamp, |
| Charles I. Dawson, | James S. Morris, | T. A. Weldon, |
| Lawrence J. Diskin, | Ion B. Nall, | W. T. White, |
| Thomas Drewry, | W. J. Osborne, | John B. Wicker, |
| W. J. Gooch, | M. M. Redwine, | James C. Yaden, |
| H. H. Griffin, | J. M. Robertson, | Will A. Young, |
| C. W. G. Hannah, | S. M. Russell, | Speaer Lawrence—40. |
| L. P. Head, | | |

Those who voted in the negative were—

| | | |
|---|---|---|
| John Barr, | A. L. Denny, | C. M. Paynter, |
| E. Barry, | Robert Enlow, | John R. Ray, |
| B. O. Becker, | J. A. Frazier, | Richard S. Rose, |
| Peter Best, Jr., | B. P. Grigsby, Sr., | Ed. H. Shellman, |
| H. Kirby Bourne, | W. C. Halbert, | Zeb. A. Stewart, |
| W. T. Cain, | Albert Hamilton, | C. C. Terry, |
| [illegible] Campbell, | W. J. Jackson, | A. J. Thompson, |
| N. B. Chipman, | W. H. Jones, | C. F. Thornton, |
| Bennett Clarke, | J. M. Mitchell, | J. T. Wilson, |
| Sam. D. Cochran, | V. W. Morris, | W. T. Wright—32. |
| W. H. Cole, | Henry G. Overstreet, | |

Resolved, That the title thereof be as aforesaid.

Mr. Russell moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

And then the House adjourned.

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FRIDAY, FEBRUARY 23, 1906.

The House opened with prayer, by Rev. J. O. A. Vaught of the Methodist Episcopal church, South.

The reading of the Journal of Wednesday's proceedings was dispensed with, and the same was approved.

Upon a call of the counties and Representative districts, bills of the following titles were introduced, ordered to be printed and referred, viz.:

By Mr. Diskin:

H. B. 489. An act to authorize fiduciaries giving fidelity insurance companies as bondsmen to pay for said bonds out of the estate in their charge.

Referred to the Committee on Judiciary.

By Mr. Hamilton:

H. B. 490. An act to regulate and fix the time and terms of court in the Twenty-third Judicial District.

Referred to the Committee on Kentucky Statutes.

By Mr. Wicker:

H. B. 491. An act to amend section 334, Civil Code, so as to allow bill of exceptions to be filed in vacations of practice.

Referred to the Committee on Codes.

By Mr. Hall:

H. B. 492. An act to encourage the breeding of improved live stock in this State, and to fix a license tax for service of registered breeding animals.

Referred to the Committee on Revenue and Taxation.

By Mr. Head:

H. B. 493. An act entitled an act to amend section 3076 of the Kentucky Statutes, regarding second class cities.

Referred to Committee on Municipalities.

By Mr. Gabbard:

H. B. 494. An act providing for higher public education in the State of Kentucky.

Referred to the Committee on Education No. 2.

By Mr. Klair:

H. B. 495. An act to amend section 20 of article 4 of an act, entitled "An act for the government of cities of the second class in the Commonwealth of Kentucky."

Referred to the Committee on Municipalities.

By Mr. Jackson:

H. B. 496. An act to make it a misdemeanor for a person to sell or otherwise dispose of personal property with a fraudulent intent.

Referred to the Committee on Kentucky Statutes.

A message was received from the Governor, announcing that he had approved and signed bills which originated in the House of the following titles, viz.:

H. B. 113. An act creating the Thirty-second Judicial District

of Kentucky, fixing the time of holding courts thereof, providing for the election of circuit judge and Commonwealth's attorney, and changing the nineteenth and twentieth judicial districts of Kentucky so as to provide for said thirty-second district and fixing the time for holding the courts in said nineteenth and twentieth districts.

H. B. 95. An act to create the Thirty-third Judicial District of Kentucky, and to change the twenty-sixth, twenty-seventh, twenty-eighth and thirty-third districts and to provide for judges and Commonwealth attorney for same.

A message was received from the Senate announcing that they had passed a bill which originated in the House, entitled

H. B. 20. An act to promote the sheep industry, and provide a tax on dogs.

That they had passed a bill of the following title, viz.:

S. B. 162. An act creating and establishing a board of commissioners to be known as the Kentucky State Board of Control for Charitable Institutions and prescribing its duties and powers.

Said bill was ordered to be printed, and was by the Speaker referred to the committee on charitable institutions.

Leave of absence for an indefinite time was granted Messrs. Blair, Wicker, Griffin, Yates and Claybrooke.

Mr. Nall, of the Committee on Enrollment, reported that they had examined and found correctly enrolled a bill and point resolution, which originated in the Senate of the following titles, viz.:

S. B. 156. An act authorizing the Court of Appeals to appoint a commissioner of the Court of Appeals.

S. Res. 10. Resolution requesting the Congress of the United States to propose an amendment to the Constitution, authorizing the levy of taxes on incomes, gifts and inheritances.

Thereupon all other business was suspended, and said bill and

joint resolution were severally read at length and examined in open session. And being found correctly enrolled, the Speaker in open session in presence of the House affixed his signature thereto.

Ordered that the enrolling clerk deliver the same to the Senate.

At 10:15 o'clock a. m.

The House took up for consideration the special order for that hour, to-wit: A bill, entitled

H. B. 1. An act relating to revenue and taxation.

Mr. Gooch moved that the House now resolve itself into a committee of the whole House for the purpose of considering said bill.

Said motion was agreed to.

Thereupon the House was resolved into a committee of the whole House.

The Speaker vacated the chair, having designated Mr. Johnson as chairman of the committee of the whole.

After a time the Speaker resumed the chair and called the House to order.

Mr. Johnson, of the committee of the whole reported that said committee had had under consideration said bill, had made some progress, but not having time to complete same, asked leave to sit again at three o'clock this afternoon.

Which was granted.

And then the House adjourned until three o'clock this afternoon.

## AFTERNOON SESSION.

At three o'clock p. m.

The House met pursuant to adjournment.

According to order the House resolved itself into a committee of the whole House, Mr. Johnson in the chair, presiding.

And took for further consideration a bill entitled,

H. B. 1. An act relating to revenue and taxation.

After a time the Speaker resumed the chair and called the House to order.

Mr. Johnson, of said committee reported that they had had under consideration said bill, had made some progress, but not having time to complete same asked leave to sit again upon the assembling of the House, on Monday, next.

Which was granted.

Mr. Klair moved that when the House adjourn to-day, it be to meet again on Monday, next, at 11:00 o'clock a. m.

Said motion was agreed to.

And then at 4:30 o'clock p. m., the House adjourned.

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## MONDAY, FEBRUARY 26, 1906.

The House opened with prayer, by the Rev. C. R. Hudson of the Christian church.

The reading of the Journal of Friday's proceedings was dispensed with, and the same was approved.

Mr. Embry offered the following resolution, viz.:

Resolved, That the House hold an afternoon session to-day, beginning at three o'clock, and continuing in session until six, at which afternoon session the consideration of House Bill No. 1, shall be the special order.

Resolved, further, That beginning at eight o'clock p. m., a night session be held to-night, at which night session the only order of business shall be the report of the standing committees. At said night session bills reported from committees which are ready for final passage shall be postponed until Thursday, March 1st, at which time all such bills shall be special orders.

Said resolution was agreed to.

Mr. Slattery offered the following resolution, viz.:

Resolved, That the Great Order of Improved Order of Red Men of Kentucky is hereby granted the use of the hall of the House of Representatives for their meeting to be held on May 15, 16 and 17, 1906.

Said resolution was agreed to.

Mr. Head offered the following resolution, viz.:

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring, that:

Whereas, The public service of the Commonwealth is being impaired by reason of the fact that there is now no contractor for the public printing, and from the further fact that the present law governing the contracting therefor is inadequate and ambiguous in its provisions for payments to the contractors; therefore, be it

Resolved, 1st, That the Speaker of the House be, and is hereby directed, to appoint three members of this House to act with two members to be appointed for the Senate, by its President, to act as commissioners for the purpose of revising the laws governing the public printing contract, which commissioners shall meet and shall make a report of their recommendations to the Governor of the Commonwealth, to be transmitted to the next session of this General Assembly.

Second. Said commissioners shall receive for their services $5 per diem, and expenses incurred while in session, provided they shall not be in session in excess of thirty days, and the Auditor of Public

Accounts is directed, upon the filing of itemized and certified accounts of such per diem and expenses, to draw his warrant upon the treasurer for the payment of same.

Third. The board of printing commissioners are hereby directed to let a contract for such printing as may be required by the Commonwealth, under the law governing such contract, to be in force and effect until June 1, 1908.

Said resolution was read and ordered to lie over.

Mr. Southall offered the following resolution, viz.:

Be it resolved by the House of Representatives that there be allowed to the committee on charitable institutions the sum of $20.30, being the actual and necessary expenses of said committee in visiting and investigating the Confederate Home at Pewee Valley, Ky. The clerk of the House is hereby directed to certify said amount to the Auditor of Public Accounts as a contingent expense of same, and the auditor will draw his warrant upon the treasurer for said amount, payable to C. W. Longmire, sergeant-at-arms, who shall distribute same among the members of said committee as their claims may appear.

Said resolution was agreed to.

Pursuant to the order the House then resolved itself into the committee of the whole House, for the further consideration of a bill entitled

H. B. 1. An act relating to revenue and taxation.

Mr. Johnson in the chair.

After a time the Speaker resumed the chair and called the House to order.

Mr. Johnson of the committee of the whole House reported that they had had under consideration said bill, had made some progress, but not having time to complete the same asked leave to sit again at three o'clock this afternoon.

Which was granted.

And then the House adjourned until three o'clock this afternoon.

## AFTERNOON SESSION.

At three o'clock p. m.

The House met pursuant to adjournment.

By unanimous consent the House took up for consideration, from the orders of the day, a bill, entitled

S. B. 144. An act to amend an act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The public parks in cities of the second class shall be held, managed and controlled by a board under the name and style of the Board of Park Commissioners of the city wherein such parks may be located. Said board of park commissioners of such city of the second class shall continue, and are hereby declared a body politic and corporate under the name and style of "Board of Park Commissioners," with perpetual succession; and by that name may contract and be contracted with, sue and be sued, have and use a corporate seal, and alter and renew the same at pleasure.

§ 2. The said Board of Park Commissioners shall be appointed by the mayor of the city in which it is established, and the term of office shall be for five years and until their successors are appointed and qualified, except that the members first appointed upon the taking effect of this act shall be appointed as follows: One member for one year, one member for two years, one member for three years, one member for four years, and one member for five years, respectively, and thereafter whenever a vacancy occurs, the members shall

hold office for five years and until their successors are appointed and qualified as stated above.

§ 3. The persons so appointed as members of said Board of Park Commissioners shall each, within ten days after appointment, appear before the city clerk of his city, and make and subscribe to an oath that he will faithfully, diligently, and to the best of his ability perform all the duties of such park commissioner, without favor or prejudice; that he is not subject to any of the prohibitions or disqualifications set out in this act; that he will not in any manner, directly or indirectly, be concerned in any contract, purchase, sale, salary or emolument of any kind connected with or growing out of any business of said Board of Park Commissioners, or the providing, purchasing, condemning, managing or improving of any park property, or in supplying any labor or material, save as by the terms of this act. Said oath shall be filed in the office of the city clerk, and shall be a public record.

§ 4. Each person appointed as park commissioner as aforesaid, shall likewise, within ten days after such appointment, execute bond in the sum of $5,000, payable to the city which he serves as park commissioner, with good security to be approved by the mayor, conditioned that he will faithfully perform all the duties of a park commissioner of said city as prescribed by law; which said bond shall, when approved by the mayor, be filed in the office of the city clerk and be of public record. The expenses of executing such bond, when made by a guarantee company, shall be paid out of the funds available for park purposes as are the other expenses of the board. For any violation by the principal in such bond of any duty as park commissioner, or any participation by him, directly or indirectly, in any contract, or sub-contract, in respect to park property, or the improvement thereof, or the furnishing of supplies of any kind therefor, suit may be maintained upon such bond against the principal and sureties; such suit to be in the name of the city, and brought by the city solicitor or attorney, or by any citizen, and any recovery shall inure to the benefit of the fund for park purposes.

§ 5. The commissioners, who shall be appointed and who shall qualify as aforesaid shall, as soon as convenient thereafter, meet and choose one of their number to be president of their board, to serve for the term of one year, and annually thereafter a president shall in like manner be chosen. The duties of the president shall be the usual duties incumbent upon such an office, and such as the board may prescribe. The said Board of Park Commissioners shall also elect a secretary, who may or may not be of their own number, whose duties shall be, in addition to keeping accurate and exact minutes of all the meetings of the board, to keep a set of books showing, with accuracy, the receipts and expenditures of the board, and shall preserve on file duplicate vouchers for all expenditures, which books and vouchers shall at all times be subject to the examination of the mayor or any committee of the general council authorized to make such examination either by themselves or through expert accountant duly chosen; and shall annually, in the month of January, transmit to the mayor and general council a full and detailed report and statement of all the acts and doings of the board for the preceding year, together with a complete and itemized account of all receipts and disbursements of money with an itemized estimate of the money needed for park purposes. Said report and statement shall be published in the official newspaper of the city in which said board is established.

§ 6. The Board of Park Commissioners may allow out of the funds appropriated for park purposes such salary to the secretary of the board as may be commensurate with the work done by him not to exceed five hundred dollars ($500) per annum. The members of the Board of Park Commissioners shall receive no compensation for their services; nor shall any member of the board hold any other office or appointment or employment under the city or any department of the city or any institution thereof; Provided, That said board may elect one of its own number secretary as provided in this act, and he may receive the compensation provided herein for his services as such secretary.

§ 7. The board as constituted aforesaid shall have the care, management and custody of all parks and grounds used for park purposes, all boulevards and park ways now belonging to the city, or to any existing board of park commissioners, or in the control of the city or the existing board, and all such property as may hereafter be required for park purposes or public squares by the city or board. The board shall have power to acquire and hold property for public parks and public squares by condemnation, or by contract for the same; to accept conveyances thereof; to accept gifts, donations or devises of land or other property for park purposes, to lay out and improve with walks, drives, roads, tree-planting and other proper improvements the park or parks, square or squares, and other property held by it or acquired and managed, and to enter into contract for same; to protect all property and improvements to it belonging or under its management or control, from injury or decay; to adopt rules and regulations for the reasonable and proper use and for preventing injuries to or misuse of all parks, public squares, boulevards, driveways, walks and park property generally, and to prevent disorder and improper conduct within the precincts of any park or enclosure, or upon any drive, walk or avenue under the control of said board of park commissioners. The police power of the city shall extend over the said park property of every kind, as the same is or shall be acquired, and all violations of such park rules and regulations and all other misdemeanors or offenses committed within any park property or precinct, shall be punished by the police court of the city on complaint and proceeding had as provided by law in cases of misdemeanors and violations of city ordinances. The said commissioners and their agents and employes shall have power to make arrests for felonies or misdemeanors committed within any park precinct, or for violation of any park rules or regulations.

§ 8. In locating parks and such other property as may be acquired under this act, the board shall have regard to the needs of the different portions of the city and population thereof, and the suitability of grounds for park purposes, as well as the cost thereof.

In and of all such matters said board shall have discretion, as also in the system of improvements of the same. The said board may acquire, by purchase, gift or condemnation, land for parkways connecting the parks, and may improve and regulate the use of the same.

§ 9. The board shall not be compelled to accept any gift or offer of land which, in its judgment, is unsuited for park purposes, or the improvement of which would entail an injudicious outlay. The title to all property acquired under the provisions of this act, or that may now be owned and used for park purposes by any city of the second class, shall, from and after the passage of this act, vest in the board of park commissioners, and the same, with all the improvements and equipments, shall be held in strict and inviolable trust for public park uses, free from all taxation, impost or assessment—State, county, district, municipal, or otherwise.

§ 10. Said board of park commissioners shall have the control and management of the planting and care of all shade trees along the sidewalks and thoroughfares of such city, and are hereby given the power to adopt such rules and regulations as may be necessary for the protection and care of same, and for the enforcement of said rules and regulations.

§ 11. Whenever, in the opinion of the board, property shall be needed for any of the purposes herein contemplated, either within or beyond the boundaries of the city, and within the county in which such city is situated, the board may, by resolution reciting such need, order the condemnation of such property, and proceeding for such condemnation shall be had in the name of said board of park commissioners in accordance with the provisions of section 21, article 4, of the act for the government of cities of the second class. If any member of the board be the owner of or interested in any property necessary, in the opinion of the majority of the other members of the board, to be taken for park purposes, then proceedings to acquire such property shall be by condemnation, and such facts of ownership or interest of such members, and the opinion of the ma-

jority of his colleagues and the necessity for condemnation shall be fully set forth in the petition.

§ 12. For the purpose of providing necessary funds for the purchase, care and improvement of park property, and to meet the expenses of the board, the general council of the city in which a board of park commissioners has been established in accordance with the provisions of this act, shall, in each year, levy and cause to be collected a tax of not exceeding five cents upon each one hundred dollars of value of all the property within the city, taxable for municipal purposes.

§ 13. The funds derived from said levy shall be held by the treasurer of the city in a separate and distinct fund, to be designated as the park fund, and to be paid out by the said treasurer only upon an order issued by the said board of park commissioners, signed by the secretary and countersigned by the president, after a bill for same has been approved by the board in session assembled; but in no case shall the treasurer honor in any one year orders for a greater sum than the amount apportioned and levied for that year for park purposes.

§ 14. For the purpose of raising money for the purchase or improvement of lands for park property, the general council of the city, upon the request of the board of park commissioners, shall, by ordinance, submit to the qualified voters of the city the question as to whether the city shall issue bonds with interest coupons attached, to the amount and of the character set forth in said ordinance; and when such ordinance is passed it shall, at the next November election, be submitted to the qualified voters of the city, and if it receive the assent of two-thirds of those voting, the bonds so issued shall be issued by the city and sold by the mayor, the proceeds of said sale to be placed in the hands of the treasurer of the city to be held by him to the credit of the park fund, and paid out upon the order of the board of park commissioners. Said bonds shall not bear interest at a rate exceeding 6 per cent. per annum, payable semi-annually, and shall not be sold for less than par and accrued interest.

§ 15. Said board of park commissioners shall have the power to borrow money on the credit of the board, in anticipation of the revenue from the city for the year in which the same is borrowed, and to pledge said revenue for the payment of the principal and interest of said loan; Provided, that the interest paid shall in no case exceed 6 per cent. per annum, and the principal shall in no case exceed 50 per cent. of the anticipated revenue. The board shall never, to any extent or under any device, in one year, anticipate or create a charge upon the income of the future years, and no work done or improvements made in any one year shall be made a charge upon the income of any future year.

§ 16. The general council of the city may, from time to time, upon application therefor by the board, provide by ordinance for a special park policy, the same to be under the control of the board of park commissioners and to be paid by it.

§ 17. The term "park property" used in this act includes all parks, squares and areas of land within the management of the board; and all buildings, structures, improvements, seats, benches, fountains, walks, drives, roads, trees, plants, herbage, flowers and other things thereon and enclosures of the same; and all shade trees on streets or thoroughfares, resting places, watering stations, playgrounds, parade grounds, or the like; and all connecting parkways and roads or drives between parks; and all avenues, roads, ways, drives, walks, with all trees shrubbery, vines, flowers and ornaments of any description; and all birds, animals or curiosities or objects of interest or instruction placed in or on any such enclosures, ways, parkways, roads, or places, and said terms shall be liberally construed.

§ 18. In carrying out the provisions of this act the board of park commissioners may command the services of the city engineer and the superintendent of public works, and may employ such laborers and purchase such material as may be necessary. All legal services or advice required by the board shall be rendered by the city solicitor and city attorney and their assistants without additional compensation.

§ 19. An emergency exists for the immediate effect of this law, because there is now no law for the maintenance of parks in cities of the second class; therefore this act shall take effect upon its approval by the Governor.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | A. J. Gorham, | M. M. Redwine, |
| John Barr, | B. P. Grigsby, Sr., | J. M. Robertson, |
| E. Barry, | W. C. Halbert, | J. T. Royalty, |
| W. G. Baxter, | Albert Hamilton, | S. M. Russell, |
| B. O. Becker, | C. W. G. Hannah, | Ed. H. Shellman, |
| Joe F. Bosworth, | L. F. Johnson, | R. C. Simmons, |
| H. Kirby Bourne, | Wm. F. Klair, | T. J. Slaton, |
| J. C. Byland, | H. M. McCarty, | Emmet P. Slattery, |
| W. T. Cain, | Virgil McKnight, | W. W. Smith, |
| M. F. Campbell, | M. H. McLean, | W. H. Southall, |
| N. B. Chipman, | Henry C. Miller, | A. J. Thompson, |
| Bennett Clarke, | J. M. Mitchell, | W. T. White, |
| J. W. Clay, | James S. Morris, | J. T. Wilson, |
| Sam. D. Cochran, | Ed. Mulcahy, | Munnell Wilson, |
| Thomas Drewry, | Ion B. Nall, | Wm. Wilt, |
| J. A. Frazier, | Henry G. Overstreet, | J. Hal Woodford, |
| Lloyd W. Gates, | C. M. Paynter, | W. T. Wright—52. |
| W. J. Gooch, | | |

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

Mr. Klair moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House then, pursuant to order, resolved itself into the Committee of the Whole House for the purpose of further considering a bill entitled

H. B. 1. An Act relating to Revenue and Taxation.

Mr. Johnson in the chair.

After a time, the Speaker resumed the chair and called the House to order.

Mr. Johnson, of said committee, reported that they had had said bill under consideration, had made some progress, but not having time to complete the same, asked leave to sit again on to-morrow.

Which was granted.

The Speaker laid before the House a communication from James K. Patterson, president of the Agricultural and Mechanical College of Kentucky, containing a financial statement of the receipts and expenditures of said college from July, 1900, to July, 1905, in response to a resolution adopted by this House on February 9, 1906.

Ordered that said statement be received and spread on the journal.

Said communication is as follows, viz.:

Lexington, Ky., February 26, 1906.

To the Hon. Jas. E. Stone, Chief Clerk
House of Representatives, Frankfort, Ky.

Dear Sir—I received from you on the 10th inst. the following resolution adopted by the Honorable Body of which you are chief clerk, viz.:

"Be it resolved, That the president of said Agricultural and Mechanical College be, and is hereby ordered and directed to prepare and furnish to this General Assembly at his earliest possible convenience a statement showing the respective amounts paid to each teacher, officer and employe of said institution for the past five years, together with a statement of the services performed by each, when, how and by whom employed, and the names of each, and a full, complete and accurate statement of the several amounts of moneys paid out and expended by said institution for any and all purposes whatsoever."

In response to this resolution I have the honor to transmit to you the following statement giving the name of each teacher, officer and employe of the Agricultural and Mechanical College of Kentucky for the last five years, together with the services performed by each—this is indicated by his official designation—when, how and by whom employed, with the salaries of each and a full, complete and accurate statement of the several amounts of moneys paid out and expended by said institution for any and all purposes whatsoever.

Your obedient servant,
JAMES K. PATTERSON.

## COLLEGIATE YEAR 1900-1901.

### Faculty.

| | Faculty assistants and employes with salaries. | By whom appointed. |
|---|---|---|
| James K. Patterson, President, Professor of History, Political Economy and Metaphysics.. | $3,300 00 | Bd. Trus. |
| James G. White, Professor of Mathematics and Astronomy ..... | 2,000 00 | " " |
| J. H. Neville, Vice-President, Professor of Greek and Latin ..... | 2,000 00 | " " |
| Walter K. Patterson, Principal of the Academy. | 1,500 00 | " " |
| J. H. Kastle, Professor of Chemistry..... | 2,000 00 | " " |
| Ruric N. Roark, Principal of the Normal School. | 2,000 00 | " " |
| J. W. Pryor, Professor of Anatomy and Physiology ..... | 1,200 00 | " " |
| F. P. Anderson, Professor of Mechanical Engineering ..... | 2,000 00 | " " |
| C. W. Mathews, Professor of Botany, Horticulture and Agriculture..... | 1,200 00 | " " |
| A. M. Miller, Professor of Geology and Zoology. | 2,000 00 | " " |
| M. L. Pence, Professor of Physics..... | 2,000 00 | " " |
| Paul Wernicke, Professor of Modern Languages | 2,000 00 | " " |
| J. P. Brooks, Professor of Civil Engineering.... | 1,800 00 | " " |
| A. S. Mackenzie, Professor of English..... | 1,600 00 | " " |
| W. T. Carpenter, Commandant and Professor of Military Science ..... | 600 00 | " " |

### Assistants.

| | | |
|---|---|---|
| J. L. Logan, Asst. Professor in Academy..... | $1,200 00 | Bd. Trus. |
| R. L. Blanton, Asst. Professor of Greek and Latin ..... | 1,300 00 | " " |
| J. M. Davis, Asst. in the Academy..... | 1,000 00 | " " |
| J. R. Johnson, Asst. in Mathematics..... | 900 00 | " " |
| C. R. Sturdevant, Asst. in Electrical Engineering ..... | 1,200 00 | " " |
| J. T. Faig, Asst. in Mechanical Engineering.... | 1,250 00 | " " |
| S. C. Debow, Asst. in Experimental Engineering | 480 00 | " " |
| Milford White, Asst. in Normal School..... | 1,000 00 | " " |
| James E. Winston, Asst. in Academy..... | 800 00 | " " |
| L. K. Frankel, Asst. in Mechanical Engineering. | 600 00 | " " |
| Joseph Dicker, Asst. in Mechanical Engineering | 540 00 | " " |

| | Faculty assistants and employes with salaries. | By whom appointed. |
|---|---|---|
| Miriam G. Clay, Asst. in Drawing | $150 00 | President. |
| J. A. Sharon, Asst. in English and Mathematics | | |
| J. E. Saunders and E. A. Walden, Engineering Assts. in Wood Shop | 480 00 | " |

**Lecture Assistants.**

| | | |
|---|---|---|
| M. E. Johnson, Fellow in Chemistry | $150 00 | President. |
| J. T. Gunn, Fellow in German | 150 00 | " |
| Mrs. Lucy B. Blackburn, Monitress | 800 00 | Bd. Trus. |
| Miss Mary Hodges, Stenographer | 600 00 | President. |
| V. E. Muncy, Business Manager and Secretary of the Faculty | 800 00 | Bd. Trus. |
| W. L. Pennington | 100 00 | President. |

**Other Officers and Employes.**

| | | |
|---|---|---|
| R. S. Bullock | $100 00 | Bd. Trus: |
| A. L. Marshall | 100 00 | President. |
| George Adams | 200 00 | " |
| John Smith | 180 00 | " |
| Sidney Green | 156 00 | " |
| Armstead Mitchell | 170 00 | " |
| Chas. Williams | 60 00 | " |
| Jas. Murray | 480 00 | Bd. Trus. |
| Thos. Aubrey | 420 00 | " " |
| R. A. Milligan | 600 00 | " " |
| J. T. Friley | 360 00 | " " |

# Financial Statement of Receipts and Expenditures of Agricultural and Mechanical College of Kentucky From July, 1900, to July, 1905.

## RECEIPTS.

### Moneys Received During the Month of July, 1900.

| | | | |
|---|---|---|---|
| | | Balance on hand July 1, 1900 | $8,483 63 |
| July | 9 | Interest on deposits | 103 71 |
| | 30 | Students' fees | 3 00 |
| | | From Auditor of State | 2,101 24 |
| | | Total | $10,691 58 |
| | | Total amount on hand | $10,691 58 |
| | | Expended during July, 1900 | 6,798 32 |
| | | Balance on hand August 1, 1900 | 3,893 26 |

## EXPENDITURES FOR JULY, 1900.

| Date 1900. | | To whom paid. | Amt. paid. |
|---|---|---|---|
| July | 2 | James K. Patterson, salary | $200 00 |
| | | Jas. G. White, salary | 200 00 |
| | | J. H. Kastle, salary | 200 00 |
| | | F. P. Anderson, salary | 200 00 |
| | | A. M. Miller, salary | 200 00 |
| | | M. L. Pence, salary | 200 00 |
| | | A. S. Mackenzie, salary | 150 00 |
| | | J. B. Brooks, salary | 170 00 |
| | | J. W. Pryor, salary | 120 00 |
| | | C. W. Mathews, salary | 120 00 |
| | | C. R. Sturdevant, salary | 120 00 |
| | | J. T. Faig, salary | 125 00 |
| | | J. R. Johnson, salary | 85 00 |
| | | J. Dicker, salary | 45 00 |
| | | Jas. K. Patterson, salary | 75 00 |
| | | J. H. Neville, salary | 200 00 |
| | | R. N. Roark, salary | 200 00 |
| | | P. Wernicke, salary | 200 00 |

| | | |
|---|---|---|
| | R. L. Blanton, salary | 130 00 |
| | W. K. Patterson, salary | 150 00 |
| | J. L. Logan, salary | 120 00 |
| | J. M. Davis, salary | 100 00 |
| | V. E. Muncy, salary | 90 00 |
| | Milford White, salary | 100 00 |
| | Jas. K. Patterson, salary (2 months) | 550 00 |
| | V. E. Muncy, salary | 12 50 |
| | R. S. Bullock, salary | 8 33 |
| | J. G. White, salary | 58 33 |
| | Mary Hodges, salary | 50 00 |
| | Mrs. D. B. Blackburn, salary | 80 00 |
| | J. Murray, salary | 39 00 |
| | Thos. Aubrey, salary | 35 00 |
| | R. A. Milligan, salary | 50 00 |
| | J. T. Friley, salary | 30 00 |
| | H. W. Slaughter, salary | 21 00 |
| | S. C. DeBow, salary | 40 00 |
| | J. E. Sanders, salary | 40 00 |
| | Chas, Williams (janitor), salary | 5 00 |
| 3 | W. P. Johnson, pay-roll | 62 80 |
| | F. P. Anderson, pay-roll, for student labor | 32 14 |
| 5 | F. C. Elkins, postage | 40 00 |
| | West Disinfecting Co., disinfecting | 2 00 |
| | W. C. Ward, medals for tournament | 10 00 |
| | D. H. Beatty, fencing material | 23 02 |
| | Robt. Mitchell Furniture Co., furniture | 34 00 |
| | W. L. Pennington, salary and traveling expenses | 46 12 |
| | Wm. Robertson, setting grates | 28 50 |
| 9 | J. T. Jackson, lumber | 133 47 |
| | John M. Greenway, books | 20 90 |
| 11 | B. E. King & Co., programs | 10 50 |
| | B. B. Wilson, carriage | 2 00 |
| 12 | Lexington Lumber Co., lumber | 16 81 |
| | E. P. Johnson, plumbing | 27 53 |
| | Lexington Hydraulic and Mfg. Co., water | 56 89 |
| | Courier-Journal Co., diplomas | 36 00 |
| | W. R. Milward, carriages | 30 50 |
| | R. C. Stoll, traveling expenses (Chicago) | 48 33 |
| | T. B. Hay & Co., hardware | 3 01 |
| | American Steam Gauge Co., gauges | 16 00 |
| | Keuffel & Esser Co., drawing material | 21 60 |
| | Swain Lubricating Co | 12 00 |
| | Manning, Maxwell & Moore, pumps | 33 45 |
| | East Tenn. Tel. Co., rents | 6 00 |
| | Standard Oil Co., oil | 46 47 |
| | Central Music Art Co | 28 15 |
| | E. Bitterman & Son, tin work | 76 96 |

| | | | |
|---|---|---|---|
| | | John Hutchinson, soap and brooms | 23 40 |
| | | Geo. Land, sand | 1 00 |
| | | Eimer & Amend Co., chemicals | 132 78 |
| | | Barnes & Hall, chemicals | 2 60 |
| | | C. D. Cunningham, paints and oils | 27 10 |
| | | J. M. Byrnes, printing | 4 00 |
| | | Byrnes & Lewis, feed | 3 40 |
| | | Transylvania Co., stationery and printing | 138 79 |
| | | W. T. Carpenter, salary | 60 00 |
| | 14 | Jos. Dicker, night work | 23 00 |
| | 18 | H. H. Staples, plastering | 126 50 |
| | | Van Deren Hardware Co., hardware | 116 34 |
| | | J. P. Morton & Co., catalogues | 128 00 |
| | | Louis des Cogneat & Co., brick | 34 10 |
| | | The Crimson, advertising | 4 00 |
| | | Electrical World & Eng., advertising | 14 00 |
| | | Lexington Brewing Co., empty barrels | 1 25 |
| | | Queen City Supply Co., Mech. supplies | 13 85 |
| | | J. T. Vance, repairing | 14 97 |
| | | W. P. Johnson, salary | 10 50 |
| | | F. C. Elkins, postage | 15 00 |
| | | Farley Trans. Co., cartage and freight | 36 43 |
| | 21 | F. P. Anderson, pay-roll, student labor | 22 50 |
| | 23 | Miss Mary E. Mulligan | 37 80 |
| | 26 | S. S. Elam | 20 00 |
| | 27 | Thos. Sheehan, masonry | 50 00 |
| | | R. L. Grant, letter press | 2 00 |
| | 31 | Ashland Daily News, advertising | 5 00 |
| | | Jos. Morrow, advertising | 40 00 |
| | | Clarke Wheeler Co., dynamos | 254 00 |
| | | Miss M. Mulligan, drawing | 11 70 |
| | | Total | $6,799 32 |

## RECEIPTS FOR AUGUST, 1900.

| | | | |
|---|---|---|---|
| | | Balance on hand August 1st | $3,893 26 |
| Aug. | 15 | From United States Government, Act of 1890 | 21,375 00 |
| | 30 | From Auditor, taxes | 745 62 |
| | | Total | $26,013 88 |
| | | Total amount received in August | $26,013 88 |
| | | Total amount expended | 18,401 50 |
| | | Balance on hand September 1, 1900 | $7,612 38 |

## EXPENDITURES FOR THE MONTH OF AUGUST, 1900.

| Date 1900. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Aug. 1 | V. E. Muncy, salary | $ 12 50 |
| | R. S. Bullock, salary | 8 33 |
| | V. E. Muncy, business agent, salary | 70 83 |
| | Miss Mary Hodges, salary | 50 00 |
| | James Murray, salary | 39 00 |
| | Thos. Aubrey, salary | 35 00 |
| | R. A. Milligan, salary | 50 00 |
| | J. T. Friley, salary | 30 00 |
| | J. E. Saunders, salary | 40 00 |
| | S. C. DeBow, salary | 40 00 |
| | Chas. Williams, salary | 2 00 |
| | Jos. Dicker, salary | 45 00 |
| | L. M. Prince, drawing material | 71 22 |
| | Wm. M. Wiley, subscriptions | 9 00 |
| | A. Trailot, paints | 144 26 |
| | T. L. Pennington, salary and traveling expenses | 106 50 |
| | T. L. Richmond, student labor | 96 05 |
| | W. T. Robertson, student labor | 25 00 |
| | Jno. M. Greenway, books | 1 00 |
| | Lexington Hydraulic & Mfg. Co., water | 16 91 |
| | E. P. Johnson, plumbing | 96 29 |
| | Wm. Purnell, ink, etc. | 7 55 |
| | John Harris, whitewashing | 9 00 |
| | Wm. Robertson, repairing stack | 177 00 |
| | F. C. Elkins, postage | 10 00 |
| 18 | J. M. McDaniels, advertising | 10 00 |
| | V. E. Muncy, current expenses | 57 04 |
| | Curtis & Co., air compressor | 209 70 |
| | Riply & Dowling | 4 00 |
| 20 | Standard Oil Co., gasoline | 16 50 |
| | Queen City Supply Co., hardware | 219 81 |
| | Barnes & Hall, chemicals | 32 45 |
| | Combs Lumber Co., lumber | 148 01 |
| | Lexington Lumber Co., lumber | 95 17 |
| | Farley Transfer Co., freight and drayage | 17 85 |
| | T. B. Hay & Co., grates, etc | 7 85 |
| | Geo. Land, lime | 1 00 |
| | Shelby Kinkead, coal | 5 33 |
| | L. H. Ramsey, decorating | 12 00 |
| | Poer & Bean, paints and oils | 95 80 |
| | C. D. Cunningham, paints and oils | 79 70 |
| | Jas. M. Byrnes, stationery | 3 85 |
| | Courier-Journal Co., advertising | 47 00 |
| | Cassiers Magazine Co., advertising | 3 00 |

| | | |
|---|---|---|
| | Jackson Hustler, advertising | 5 00 |
| | Hart County News, advertising | 5 00 |
| | Wayne County Record, advertising | 5 00 |
| | J. M. Hanson, subscriptions | 7 90 |
| | Industrial Press, subscriptions | 1 00 |
| | Fayette National Bank, note | 16,000 00 |
| | Fayette National Bank, interest on above | 119 10 |
| | Total | $18,401 50 |

## RECEIPTS FOR SEPTEMBER, 1900.

| | | |
|---|---|---|
| | Balance on hand September 1, 1900 | $7,612 38 |
| Aug. 30 | Students' fees | 2,142 50 |
| | Total | $9,754 88 |
| | Received in September | $9,754 88 |
| | Expended in September | 2,988 08 |
| | Balance on hand October 1 | $6,766 80 |

## EXPENDITURES FOR SEPTEMBER, 1900.

| Date | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Sept. 1 | V. E. Muncy, secretary, salary | $12 50 |
| | R. S. Bullock, salary | 8 33 |
| | V. E. Muncy, business agent, salary | 70 83 |
| | Miss Mary Hodges, salary | 50 00 |
| | Jas. Murray, salary | 40 50 |
| | Thos. Aubrey, salary | 35 00 |
| | R. A. Milligan, salary | 50 00 |
| | J. T. Friley, salary | 30 00 |
| | J. E. Saunders, salary | 40 00 |
| | S. C. DeBow, salary | 40 00 |
| | Chas. Williams, salary | 2 00 |
| | John Smith, salary | 20 00 |
| | Jos. Dicker, salary | 45 00 |
| | W. P. Johnson, pay roll, student labor | 104 10 |
| | Lexington Stove Works, grate bars | 61 35 |
| | L. M. Prince, blue prints | 8 70 |
| | Weekly Observer, advertising | 3 00 |
| | F. C. Elkins, postage | 37 50 |
| | F. P. Anderson, pay roll, student labor | 22 67 |
| | W. L. Pennington, traveling expenses and salary | 89 95 |
| | Farley Transfer Co., freight and drayage | 15 92 |
| | Lexington Hydraulic & Mfg. Co., water | 13 52 |
| 20 | Kentucky Gazette, advertising | 10 00 |
| | R. S. Bullock, advertising in Brooksville Record | 5 00 |

| | | |
|---|---|---|
| | Woodford Sun, advertising | 5 00 |
| | Interior Journal, advertising | 5 00 |
| | Carrollton Democrat, advertising | 5 00 |
| | Mountain Echo, advertising | 5 00 |
| | Times-Courier, advertising | 5 00 |
| | Owensboro Messenger, advertising | 5 00 |
| | Paducah News, advertising | 5 00 |
| | Jessamine Journal, advertising | 5 00 |
| | Hopkinsville Journal, advertising | 5 00 |
| | Georgetown Times, advertising | 5 00 |
| | Semi-Weekly Progress, advertising | 5 00 |
| | Public Ledger, advertising | 5 00 |
| | Kentucky Advocate, advertising | 5 00 |
| | Evening Journal, advertising | 5 00 |
| | Herald-Ledger, advertising | 5 00 |
| | Winchester Sun, advertising | 10 00 |
| | Evening Post, advertising | 10 50 |
| | Leader Printing Co., advertising | 11 80 |
| | Farmers Home Journal, advertising | 15 00 |
| | Graphic, advertising | 3 00 |
| | Jessamine News, advertising | 3 00 |
| | Tri-State Daily, advertising | 3 00 |
| | F. C. Elkins, postage | 15 00 |
| | H. E. Curtis, Athletic Association | 150 00 |
| | G. A. DeLong, insurance | 77 40 |
| | Standard Electric Co., batteries, etc | 12 20 |
| | C. M. Jett, locks, rivets, etc | 5 40 |
| | McAdams & Mofords, chemicals | 1 20 |
| | C. F. Brower & Co., desks, beds, etc | 307 48 |
| | Carlisle Mercury, advertising | 5 00 |
| | Plonze Date Mfg. Co. | 6 60 |
| 25 | Bausch & Lomb, supplies for zoology | 16 10 |
| | A. C. McClurg & Co., books | 6 50 |
| | L. H. Ramsey & Co., printing cards | 5 00 |
| | Kaufman & Straus Co., bunting | 43 15 |
| | Q. & C. Co., drill and air hoists | 85 40 |
| | Consumers' Ice Co., ice | 5 30 |
| | E. Harrington & Sons, hangers, etc | 43 60 |
| | Standard Oil Co., gasoline | 17 75 |
| | Wm. Purnell, stationery | 10 40 |
| | Geo. Land, lime | 1 00 |
| | Combs Lumber Co., lumber | 82 25 |
| | Jas. M. Byrnes, stationery | 27 15 |
| | Queen City Supply Co., supplies for Mech. Dept | 94 84 |
| | Stoll & Co., alcohol | 1 00 |
| | C. B. Sharp | 5 00 |
| | Ashcraft Mfg. Co., clock and gauge | 73 00 |
| | L. M. Prince, drawing paper | 39 70 |

| | | |
|---|---|---|
| | Past Glover Electric Co., supplies | 14 90 |
| | Smith-Watkins Co., locks | 4 45 |
| 26 | Weston Electrical Co., repairing instruments | 1 80 |
| | Poer & Bean, paints | 1 95 |
| | Sleath & Van Dyke, stone work | 6 50 |
| 27 | Power Publishing Co., subscriptions | 1 00 |
| | Zeiler Electric Co., supplies | 42 00 |
| | Fairbanks, Morse & Co., gas engine | 250 00 |
| | Queen & Co., compasses | 4 90 |
| | A. H. Andrews & Co., erasers | 2 55 |
| | Whitall-Tatum Co., chemicals | 12 77 |
| | E. P. Johnson, plumbing | 96 67 |
| | Eimwr & Amend, chemicals | 351 05 |
| | Louis des Cognets, coal | 61 70 |
| | Mayfield Weekly Monitor, advertising | 5 00 |
| | C. D. Cunningham, paints, etc | 22 45 |
| | G. D. Martin, shoeing mule | 1 80 |
| | John Preston, digging ditch | 22 00 |
| | Total | $2,988 08 |

## RECEIPTS FOR OCTOBER, 1900.

| | | |
|---|---|---|
| | Balance on hand October 1 | $6,766 80 |
| Oct. 30 | Students' fees | 205 15 |
| | Total | $6,971 95 |
| | Total amount received | $6,971 95 |
| | Total amount expended in October | 5,879 11 |
| | Balance November 1 | $1,092 84 |

## EXPENDITURES FOR OCTOBER, 1900.

| Date 1900. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Oct. 1 | Jas. K. Patterson, salary | $200 00 |
| | J. G. White, salary | 200 00 |
| | J. H. Kastle, salary | 200 00 |
| | F. P. Anderson, salary | 200 00 |
| | A. M. Miller, salary | 200 00 |
| | M. L. Pence, salary | 200 00 |
| | A. S. Mackenzie, salary | 160 00 |
| | J. P. Brooks, salary | 180 00 |
| | J. W. Pryor, salary | 120 00 |
| | C. W. Mathews, salary | 120 00 |

| | | |
|---|---|---|
| | C. R. Sturdevant, salary | 120 00 |
| | J. T. Faig, salary | 125 00 |
| | L. K. Frankel, salary | 60 00 |
| | Jos. Dicker, salary | 45 00 |
| | Jas. K. Patterson, salary | 75 00 |
| | J. H. Neville, salary | 200 00 |
| | R. N. Roark, salary | 200 00 |
| | P. Wernicke, salary | 200 00 |
| | R. L. Blanton, salary | 130 00 |
| | J. R. Johnson, salary | 90 00 |
| | W. K. Patterson, salary | 150 00 |
| | J. L. Logan, salary | 120 00 |
| | J. M. Davis, salary | 100 00 |
| | J. E. Winston, salary | 80 00 |
| | M. White, salary | 100 00 |
| | W. T. Carpenter, salary | 60 00 |
| | V. E. Muncy, salary | 12 50 |
| | R. S. Bullock, salary | 8 34 |
| | V. E. Muncy, business agent, salary | 70 84 |
| | Miss Mary Hodges, salary | 50 00 |
| | Mrs. L. B. Blackburn, salary | 80 00 |
| | Jas. Murray, salary | 37 50 |
| | Thos. Aubrey, salary | 35 00 |
| | R. A. Milligan, salary | 50 00 |
| | J. T. Friley, salary | 30 00 |
| | S. C. DeBow, salary | 40 00 |
| | J. E. Saunders, salary | 30 40 |
| | E. A. Walden, salary | 9 60 |
| | John Smith, janitor, salary | 15 00 |
| | Sidney Green, janitor, salary | 14 00 |
| | Geo. Adams, janitor, salary | 9 00 |
| | Armstead Mitchell, janitor, salary | 12 00 |
| | Chas. Williams, janitor, salary | 5 00 |
| | W. P. Johnson, salary, student labor | 63 05 |
| | J. A. Shoran, salary (four classes) | 41 00 |
| | W. E. Johnson, salary | 15 00 |
| | J. T. Gum, salary | 30 00 |
| | A. L. Marshall, salary | 10 00 |
| | F. P. Anderson, pay roll, student labor | 77 98 |
| | Miss M. G. Clay, salary | 15 00 |
| 6 | Farley Trans. Co., freight and drayage | 28 89 |
| | The Science, subscription | 5 00 |
| | W. E. McCann, lamps and burners | 14 90 |
| | E. B. Wrenn, papering room | 8 75 |
| | Glasgow Republic, advertising | 5 00 |
| 17 | J. A. Atkins, traveling expenses | 8 90 |
| | Lexington Hydraulic and Mfg. Co. | 44 44 |
| | W. L. Pennington, salary | 10 00 |

| | | |
|---|---|---|
| | Louis des Cognets & Co., coal | 80 52 |
| | V. E. Muncy, current expenses | 64 31 |
| | Jas. K. Patterson, traveling expenses | 9 70 |
| | Gas. Engine Pub. Co. subscriptions | 2 44 |
| | Susie H. Christian, books | 1 75 |
| | Commonwealth Pub. Co., subscriptions | 5 00 |
| | Big Sandy News, advertising | 5 00 |
| | The Pendletonian, advertising | 5 00 |
| | The Morning Herald, advertising | 5 50 |
| | Southern School Journal, advertising | 10 00 |
| | Robertson Advance, advertising | 5 00 |
| | Jas. M. Byrnes, stationery | 46 50 |
| | E. P. Johnson, plumbing | 24 10 |
| | Bussep Heidecker Br'k. Co., flower pots | 26 35 |
| | R. Arnspiger, insurance | 51 60 |
| | W. P. Cochran, insurance | 100 50 |
| | C. F. Brower & Co., desks and chairs | 37 70 |
| | C. D. Cunningham, glass, paints, etc | 18 35 |
| | Quaker City Rubber Co., packing | 6 25 |
| | Stoll & Hamilton, alcohol | 7 35 |
| | John M. Greenway, books | 11 40 |
| | L. H. Ramsey, signs | 10 00 |
| | Smith, Watkins & Co., hinges, hardware, etc | 7 50 |
| | F. J. Heintz, engraving | 2 00 |
| | Wm. J. Comstock, books | 3 58 |
| | S. F. Swift, cadets to Louisville | 160 00 |
| | F. C. Elkins, postage | 15 00 |
| | East Tenn. Tel. Co., rental | 6 00 |
| | Poer & Bean, paints and oil | 3 20 |
| | W. H. Thompson, brush, etc | 1 25 |
| | Tandy & Byrd, brick, sand, etc | 17 85 |
| | C. C. Stoll Oil Co., oil | 26 59 |
| | Standard Electric Co., bell, etc | 1 65 |
| | Crandell Packing Co., packing | 7 52 |
| | Jas. G. Briddle, apparatus | 99 00 |
| | Ashcraft Mfg. Co., indicator | 78 00 |
| | Standard Oil Co., gasoline | 28 50 |
| | T. W. Gleason, supplies | 17 88 |
| | Eimer & Amend, supplies | 58 18 |
| 27 | Zeigler Electric Co., supplies | 48 57 |
| | Willard N. Clute, books | 1 70 |
| | John Wiley & Sons, books | 3 90 |
| | Eugene Deitzgen Co., drawing paper | 7 04 |
| | D. Van Nostrand Co., books | 4 00 |
| | Queen City Supply Co., supplies for Mech. Dept | 10 30 |
| | McAdans & Morfords, chemicals | 1 00 |
| | MacMillan & Co., books | 8 00 |
| | Bausch & Lomb, supplies | 113 78 |

| | | |
|---|---|---|
| | Bradlee Whidden, books | 46 21 |
| 30 | R. W. Nelson, traveling expenses | 25 95 |
| 31 | J. B. Kennedy, traveling expenses | 16 80 |
| | W. H. Garman, repairs on beds | 1 75 |
| | Total | $5,879 11 |

## RECEIPTS FOR THE MONTH OF NOVEMBER, 1900.

| | | |
|---|---|---|
| | Balance on hand November 1, 1900 | $1,092 84 |
| Nov. 30 | Received from students' fees | 49 70 |
| | Total | $1,142 54 |
| | Amount expended during the month of November | $5,581 45 |
| | Amount received during the month of November | 1,142 54 |
| | Overdrawn December 1, 1900 | $4,438 91 |

## EXPENDITURES FOR THE MONTH OF NOVEMBER, 1900.

| Date 1900. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Nov. 1 | Jas. K. Patterson, salary | $200 00 |
| | Jas. G. White, salary | 200 00 |
| | J. H. Kastle, salary | 200 00 |
| | F. P. Anderson, salary | 200 00 |
| | A. M. Miller, salary | 200 00 |
| | M. L. Pence, salary | 200 00 |
| | A. S. Mackenzie, salary | 160 00 |
| | J. P. Brooks, salary | 180 00 |
| | J. W. Pryor, salary | 120 00 |
| | C. W. Mathews, salary | 120 00 |
| | C. R. Studevant, salary | 120 00 |
| | J. T. Faig, salary | 125 00 |
| | L. K. Frankel, salary | 60 00 |
| | Jos. Dicker, salary | 45 00 |
| | Jas. Patterson, salary | 75 00 |
| | J. H. Neville, salary | 200 00 |
| | R. N. Roark, salary | 200 00 |
| | P. Wernicke, salary | 200 00 |
| | R. L. Blanton, salary | 130 00 |
| | J. R. Johnson, salary | 90 00 |
| | W. K. Patterson, salary | 150 00 |
| | J. L. Logan, salary | 120 00 |
| | J. M. Davis, salary | 100 00 |
| | J. E. Winston, salary | 80 00 |

| | | |
|---|---|---|
| | Milford White, salary | 100 00 |
| | Wm. T. Carpenter, salary | 60 00 |
| | V. E. Muncy, Sec., salary | 12 50 |
| | R. S. Bullock, salary | 8 33 |
| | V. E. Muncy, salary | 70 83 |
| | Miss Mary Hodges, salary | 50 00 |
| | Mrs. L. B. Blackburn, salary | 80 00 |
| | Jas. Murray, salary | 40 50 |
| | Thos. Aubrey, salary | 35 00 |
| | R. A. Milligan, salary | 50 00 |
| | J. T. Friley, salary | 30 00 |
| | S. C. DeBow, salary | 40 00 |
| | E. A. Walden, salary | 40 00 |
| | John Smith, salary | 15 00 |
| | John Johnson, salary | 22 00 |
| | Geo. Adams, salary | 18 00 |
| | Armstead Mitchell, salary | 19 00 |
| | Chas. Williams, salary | 5 00 |
| | J. A. Sharon, salary | 60 00 |
| | W. E. Johnson, salary | 15 00 |
| | J. T. Gunn, salary | 30 00 |
| | A. R. Marshall, salary | 10 00 |
| | W. L. Pennington, salary | 10 00 |
| | Miss M. G. Clay, salary | 15 00 |
| | W. W. Crume, trumpeter, salary | 6 40 |
| | W. P. Johnson, pay-roll, student labor | 35 05 |
| | F. P. Anderson, pay-roll, student labor, Mech. Hall | 41 37 |
| | J. H. Graham, salary | 15 00 |
| 10 | Farley Trans. Co., freight and drayage | 53 00 |
| 19 | Jas. K. Patterson, expenses to convention | 75 00 |
| | Lex. Plumbing Co., pipe | 137 50 |
| | Louis des Cognets Co., coal and cement | 202 44 |
| 20 | W. T. Robertson, laying brick | 24 75 |
| 23 | Lex. Hydraulic and Mfg. Co., water | 40 30 |
| 26 | H. A. Hamilton, maps | 3 00 |
| | Ithaca Bot. Supply Co | 15 24 |
| | L. M. Prince, drawing material | 4 70 |
| 27 | W. T. Robertson, repairing cupola | 4 95 |
| | Bradford Rhodes & Co., books | 5 00 |
| | J. Horace McFarland, copying | 1 00 |
| | Pantagraph Pub. Co., advertising | 5 00 |
| | Adairsville Banner, advertising | 5 00 |
| | Princeton Banner, advertising | 5 00 |
| | Wm. Purnell, books and stationery | 32 05 |
| | L. E. Knott Apparatus Co., apparatus | 8 38 |
| | Standard Oil Co., gasoline and oil | 43 65 |
| | A. H. Andrews Co., blackboards | 8 20 |
| | Cambridge Botanical Supply Co., supplies | 4 75 |

| | | |
|---|---|---|
| | Bausch & Lomb Opt. Co., apparatus | 14 78 |
| | L. P. Milward, cans, wire, etc | 7 10 |
| | John Wiley & Sons, books | 13 12 |
| | Railway Age, subscription | 4 00 |
| | Horseless Age, subscription | 1 75 |
| | J. T. Vance, lanterns, etc | 21 90 |
| | Weston Elec. Instru. Co., voltmeters | 27 00 |
| | V. D. Anderson & Co., steam traps | 20 00 |
| | Queen City Supply Co., supplies | 3 81 |
| | C. D. Cunningham, paints and oils | 5 50 |
| | Sam Preston, digging ditch | 4 00 |
| | Jas. M. Byrnes, stationery and printing | 11 20 |
| 28 | E. P. Johnson, plumbing | 44 54 |
| | T. B. Hay & Co., hardware, etc | 5 93 |
| | Byrnes & Lewis, feed | 3 20 |
| | Consumers' Ice Co., ice | 9 53 |
| | Sleath & VanDyke, cutting stone | 5 00 |
| | Lex. Railway Co., car fares | 4 95 |
| | G. A. Delong & Co., insurance | 9 00 |
| | Combs Lumber Co., lumber | 90 55 |
| | Transylvania Co., stationery and printing | 127 40 |
| | Lex. Lumber Co., lumber | 48 89 |
| | W. H. Garman, repairing beds | 4 00 |
| | G. E. Stechert, books | 16 41 |
| | Total | $5,581 45 |

## RECEIPTS FOR THE MONTH OF DECEMBER, 1900.

| | | | |
|---|---|---|---|
| Dec. | 4 | Received from Auditor, taxes | $15,407 57 |
| | | Received from Geo. Roberts, rent (4 mo.) | 40 00 |
| | 30 | Received from students' fees | 11 25 |
| | | Total | $15,458 82 |
| | | Total amount received in December, 1900 | $15,458 82 |
| | | Total amount expended $10,120 31 | |
| | | Overdrawn December 1st 4,438 91 | |
| | | | 14,559 22 |
| | | Balance on hand January 1, 1901 | $899 60 |

## EXPENDITURES FOR THE MONTH OF DECEMBER, 1900.

| Date 1900. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Dec. 1 | Jas. K. Patterson, salary | $200 00 |
| | Col. R. W. Nelson, traveling expenses (Com. meeting) | 6 60 |
| | J. G. White, salary | 200 00 |
| | J. H. Kastle, salary | 200 00 |
| | F. P. Anderson, salary | 200 00 |
| | A. M. Miller, salary | 200 00 |
| | M. L. Pence, salary | 200 00 |
| | A. S. Mackenzie, salary | 160 00 |
| | J. B. Brooks, salary | 180 00 |
| | J. W. Pryor, salary | 120 00 |
| | C. W. Mathews, salary | 120 00 |
| | C. R. Studevant, salary | 120 00 |
| | J. T. Faig, salary | 125 00 |
| | L. K. Frankel, salary | 60 00 |
| | Jos. Dicker, salary | 45 00 |
| | J. K. Patterson, salary | 75 00 |
| | J. H. Neville, salary | 200 00 |
| | R. N. Roark, salary | 200 00 |
| | P. Wernicke, salary | 200 00 |
| | R. L. Blanton, salary | 130 00 |
| | J. R. Johnson, salary | 90 00 |
| | W. K. Patterson, salary | 150 00 |
| | J. L. Logan, salary | 120 00 |
| | J. M. Davis, salary | 100 00 |
| | J. E. Winston, salary | 80 00 |
| | Milford White, salary | 100 00 |
| | W. T. Carpenter, salary | 60 00 |
| | V. E. Muncy, salary | 12 50 |
| | R. S. Bullock, salary | 8 33 |
| | V. E. Muncy, Bus. Agt., salary | 70 83 |
| | Miss Mary Hodges, salary | 50 00 |
| | Mrs. L. B. Blackburn, salary | 80 00 |
| | Jas. Murray, salary | 39 00 |
| | Thos. Aubrey, salary | 35 00 |
| | R. A. Milligan, salary | 50 00 |
| | J. T. Friley, salary | 30 00 |
| | S. C. DeBow, salary | 40 00 |
| | E. A. Walden, salary | 40 00 |
| | John Smith, janitor, salary | 15 00 |
| | John Johnson, salary | 23 00 |
| | Geo. Adams, salary | 19 00 |
| | Armstead Mitchell, salary | 20 00 |
| | Chas. Williams, salary | 5 00 |
| | Miss M. G. Clay, salary | 15 00 |

| | | |
|---|---|---|
| | J. A. Sharon, salary | 60 00 |
| | M. E. Johnson, salary | 15 00 |
| | J. T. Gunn, Jr., salary | 30 00 |
| | J. H. Graham, salary | 15 00 |
| | A. R. Marshall, salary | 10 00 |
| | W. L. Pennington, salary | 10 00 |
| | W. W. Crumne, salary | 4 00 |
| | W. P. Johnson student labor, pay-roll | 39 45 |
| | F. P. Anderson, student labor, Mech. Hall | 53 56 |
| | R. S. Bullock, payment on rifles | 81 51 |
| | F. C. Elkins, postage | 43 00 |
| | State College Orchestra, music | 10 00 |
| | A. Trailot, frescoing and painting | 10 50 |
| 12 | Thos. Todd, expenses attending Bldg. Com | 15 20 |
| | J. B. Kennedy, expenses attending Bldg. Com | 6 75 |
| | R. W. Nelson, expenses attending Bldg. Com | 9 15 |
| | J. B. Marcum, expenses attending Bldg. Com | 6 35 |
| | E. H. Hobson, expenses attending Bldg. Com | 25 12 |
| | McD. Ferguson, expenses attending Bldg. Com | 33 15 |
| | W. R. Ramsey, expenses attending Bldg. Com | 12 61 |
| | B. W. Bradburn, expenses attending Bldg. Com | 30 99 |
| 17 | S. M. Brown, making cases | 48 50 |
| 19 | Lex. Hydraulic & Mfg. Co., water | 53 33 |
| | Standard Oil Co., gasoline | 80 07 |
| | Everitt Francis & Co., books | 35 50 |
| | J. P. Morton & Co., books | 8 00 |
| | Eng. News Pub. Co., subscriptions | 2 36 |
| | Keuffel & Esser Co., normal paper | 20 00 |
| | O. R. Kroell, traveling expenses | 4 80 |
| | L. M. Prince, paper | 15 16 |
| | American Machinist, subscription | 3 00 |
| | Jas. Clark & Co., lamps | 3 25 |
| | Queen City Supply Co., supplies | 9 69 |
| | Poer & Bean, shellac, etc | 2 85 |
| | Theo. Tafel, bandages, etc | 3 80 |
| | Central Music and Art Co., photo supplies | 8 50 |
| | Jos. Dicker, night work | 8 25 |
| | F. P. Anderson, expenses to New Haven | 39 00 |
| | L. Des Cognets & Co., coal, cement, etc | 304 06 |
| | Morning Herald, advertising | 5 40 |
| | Combs Lumber Co., lumber | 12 16 |
| | B. M. Brooks, clerical work | 2 40 |
| | Lex. Lumber Co., lumber | 11 40 |
| | E. P. Johnson, plumbing | 5 57 |
| | C. D. Cunningham, paints and oil | 10 35 |
| | Jas. M. Byrnes, stationery and printing | 11 65 |
| | Consumers' Ice Co., ice | 1 20 |
| | T. B. Hay & Co., hardware | 3 55 |

| | | |
|---|---|---|
| | W. King & Son, insurance | 43 88 |
| | V. E. Muncy, current expenses | 53 45 |
| | W. H. Garman, repairing beds | 8 00 |
| | C. F. Brower & Co., framing maps ,etc | 21 61 |
| | McElhone & Maloney, plumbing | 171 70 |
| 20 | Jas. K. Patterson, salary | 200 00 |
| | Jas. G. White, salary | 200 00 |
| | J. H. Kastle, salary | 200 00 |
| | F. P. Anderson, salary | 200 00 |
| | A. M. Miller, salary | 200 00 |
| | M. L. Pence, salary | 200 00 |
| | A. S. Mackenzie, salary | 160 00 |
| | J. P. Brooks, salary | 180 00 |
| | J. W. Pryor, salary | 120 00 |
| | C. W. Mathews, salary | 120 00 |
| | C. S. Studevant, salary | 120 00 |
| | J. T. Faig, salary | 125 00 |
| | L. K. Frankel, salary | 60 00 |
| | Jos. Dicker, salary | 45 00 |
| | Jas. K. Patterson, salary | 75 00 |
| | J. H. Neville, salary | 200 00 |
| | R. N. Roark, salary | 200 00 |
| | P. Wernicke, salary | 200 00 |
| | R. L. Blanton, salary | 130 00 |
| | J. R. Johnson, salary | 90 00 |
| | W. K. Patterson, salary | 150 00 |
| | J. L. Logan, salary | 120 00 |
| | J. M. Davis, salary | 100 00 |
| | J. E. Winston, salary | 80 00 |
| | Milford White, salary | 100 00 |
| | W. T. Carpenter, salary | 60 00 |
| | V. E. Muncy, Sec., salary | 12 50 |
| | R. S. Bullock, salary | 8 33 |
| | V. E. Muncy, salary | 70 84 |
| | Miss Mary Hodges, salary | 50 00 |
| | Mrs. L. B. Blackburn, salary | 80 00 |
| | Jas. Murray, salary | 39 00 |
| | Thos. Aubrey, salary | 35 00 |
| | R. A. Milligan, salary | 50 00 |
| | J. T. Friley, salary | 30 00 |
| | S. C. DeBow, salary | 40 00 |
| | E. A. Walden, salary | 40 00 |
| | John Smith, salary | 15 00 |
| | John Johnson, salary | 25 00 |
| | Geo. Adams, salary | 20 00 |
| | Armstead Mitchell, salary | 20 00 |
| | Chas. Williams, salary | 5 00 |
| | Miss M. G. Clay, salary | 15 00 |

| | | |
|---|---|---|
| | J. A. Sharon, salary | 60 00 |
| | M. E. Johnson, salary | 15 00 |
| | J. T. Gunn, salary | 30 00 |
| | Edwin Harrington, salary | 43 60 |
| | A. R. Marshall, salary | 10 00 |
| | W. L. Pennington, salary | 10 00 |
| | W. W. Crumne, trumpeter, salary | 4 00 |
| 26 | J. M. McDaniels, advertising | 15 00 |
| | S. M. Brown, repairs | 14 00 |
| | Total | $10,120 31 |

## RECEIPTS FOR THE MONTH OF JANUARY, 1901.

| | |
|---|---|
| Balance on hand January 1st | $ 889 60 |
| Students' fees | 56 75 |
| From Auditor, taxes | 13,055 28 |
| Total | $14,011 63 |
| Total amount received in January | $14,011 63 |
| Total amount expended in January | 1,475 12 |
| Balance February 1, 1901 | $12,536 51 |

## EXPENDITURES FOR THE MONTH OF JANUARY, 1901.

| Date 1901. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Jan. 1 | W. T. Robertson | $ 3 50 |
| | F. C. Elkins, postage | 28 00 |
| | W. P. Johnson, pay-roll, student labor | 53 10 |
| | F. P. Anderson, Mech. Hall, pay-roll, student labor | 58 15 |
| 4 | S. M. Brown, repairs | 16 20 |
| | E. B. Voorhees | 10 00 |
| 14 | S. M. Brown, labor, 25 hours | 5 00 |
| 15 | F. Daugherty, lettering diplomas | 25 00 |
| 30 | C. D. Cunningham, paints | 28 25 |
| | Miss J. H. Hanson, subscriptions | 49 75 |
| | J. M. Byrnes, stationery | 2 95 |
| | E. Bitterman & Son, slate work | 98 99 |
| | J. T. Vance, pipes, etc | 29 60 |
| | W. E. McCann, lamps | 11 95 |
| | Poer & Bean, shellac and alcohol | 4 50 |
| | R. Arnspiger, insurance | 25 20 |
| | John Hutchinson, mops, brooms | 36 35 |
| | Smith & Watkins, hardware | 11 15 |

| | |
|---|---|
| E. P. Johnson, plumbing | 13 56 |
| Transylvania Co., stationery and printing | 116 25 |
| Lex. Lumber and Mfg. Co., lumber | 71 24 |
| Van Deren Hardware Co., hardware | 23 42 |
| S. M. Meglone, uniform | 14 10 |
| G. D. Martin, shoeing mule | 2 50 |
| W. Curran, kindling | 5 00 |
| Jos. Timminis, repairing | 2 35 |
| East Tenn. Tel. Co., rentals | 3 00 |
| M. G. Thompson, sprinkler | 2 50 |
| Stoll & Hamilton, alcohol | 7 20 |
| W. H. Garman, repairing beds | 1 00 |
| L. des Cognets & Co., coal and clay | 551 65 |
| Farley Trans. Co., freight and drayage | 8 03 |
| John M. Greenway, books | 50 52 |
| Lex. Hydraulic and Mfg. Co., water | 105 16 |
| Total | $1,475 12 |

## RECEIPTS FOR THE MONTH OF FEBRUARY, 1901.

| | |
|---|---|
| Balance on hand February 1, 1901 | $12,536 51 |
| Received from rent of cottage | 52 50 |
| Received from students' fees | 20 25 |
| Total | $12,609 26 |
| Total receipts for February, 1901 | $12,609 26 |
| Total expenditures for February, 1901 | 6,104 19 |
| Balance March 1, 1901 | $6,505 07 |

## EXPENDITURES FOR THE MONTH OF FEBRUARY, 1901.

| Date 1901. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Feb. 1 | Jas. K. Patterson, salary | $200 00 |
| | J. G. White, salary | 200 00 |
| | J. H. Kastle, salary | 200 00 |
| | F. P. Anderson, salary | 200 00 |
| | A. M. Miller, salary | 200 00 |
| | M. L. Pence, salary | 200 00 |
| | A. S. Mackenzie, salary | 160 00 |
| | J. P. Brooks, salary | 180 00 |
| | J. W. Pryor, salary | 120 00 |
| | C. W. Mathews, salary | 120 00 |
| | C. R. Studevant, salary | 120 00 |

| | |
|---|---|
| J. T. Faig, salary | 125 00 |
| L. K. Frankel, salary | 60 00 |
| Jos. Dicker, salary | 45 00 |
| Jas. K. Patterson, salary | 75 00 |
| J. H. Neville, salary | 200 00 |
| R. N. Roark, salary | 200 00 |
| P. Wernicke, salary | 200 00 |
| R. L. Blanton, salary | 130 00 |
| J. R. Johnson, salary | 90 00 |
| W. K. Patterson, salary | 150 00 |
| J. L. Logan, salary | 120 00 |
| J. M. Davis, salary | 100 00 |
| J. E. Winston, salary | 80 00 |
| Jas. Murray, salary | 40 50 |
| Thos. Aubrey, salary | 35 00 |
| Milford White, salary | 100 00 |
| W. T. Carpenter, salary | 60 00 |
| V. E. Muncy, salary | 12 50 |
| R. S. Bullock, salary | 8 34 |
| V. E. Muncy, salary | 70 83 |
| Miss Mary Hodges, salary | 50 00 |
| Mrs. L. B. Blackburn, salary | 80 00 |
| R. A. Milligan, salary | 50 00 |
| S. C. DeBow, salary | 40 00 |
| E. A. Walden, salary | 40 00 |
| John Smith, salary | 15 00 |
| John Johnson, salary | 25 00 |
| Washington Ellis, salary | 20 00 |
| Robt. Lewis, salary | 20 00 |
| Chas. Williams, salary | 5 00 |
| Miss M. G. Clay, salary | 15 00 |
| J. A. Sharon, salary | 105 00 |
| M. E. Johnson, salary | 15 00 |
| J. T. Gunn, salary | 30 00 |
| A. R. Marshall, salary | 10 00 |
| W. L. Pennington, salary | 10 00 |
| T. M. Hutchison, trumpeter, salary | 3 50 |
| W. P. Johnson, student labor | 27 95 |
| Bradlee Whidden, books | 4 71 |
| Kentucky Citizen, advertising | 5 00 |
| Green County Record, advertising | 5 00 |
| A. H. Andrews & Co., crayons | 1 00 |
| Bausch & Lomb Opt. Co., apparatus | 271 89 |
| Globe-Wernicke Co., cards | 1 60 |
| Scientific Pub. Co., subscription | 4 55 |
| Edison Mfg. Co., batteries | 42 84 |
| Queen & Co., supplies | 11 80 |
| Wm. Read & Son, cadets' rifles | 7 50 |

| | | |
|---|---|---|
| | Gas. Engine Pub. Co., subscription | 1 00 |
| | J. T. Friley, salary | 30 00 |
| | F. C. Elkins, postage | 12 70 |
| | National Pub. Co., subscription | 1 50 |
| | Engineering Magazine, subscription | 3 00 |
| | P. Wernicke, books | 30 00 |
| | The Robt. Clarke Co., books | 19 91 |
| | Standard Oil Co., gasoline and oil | 45 81 |
| | Jas. K. Patterson, traveling expenses | 51 63 |
| | F. P. Anderson, pay-roll, Mech. Hall | 43 97 |
| | J. A. Sharon, balance for session 1899-1900 | 21 00 |
| | R. W. Nelson, expenses for Ex. Com | 9 15 |
| | S. M. Brown, table | 8 05 |
| | C. D. Lewis, teaching one class | 6 67 |
| | W. P. Johnson, teaching one class | 6 67 |
| 9 | F. C. Elkins, postage | 11 00 |
| | C. M. Kemp Mfg. Co., gas engine | 263 00 |
| 14 | Lex. Hydraulic & Mfg. Co., water | 43 39 |
| 16 | W. Worthington, typewriting | 3 50 |
| 18 | Plonn Specialty Co., belt dressing | 3 50 |
| | American Architect & Building News Co., subscription | 6 00 |
| | Standard Calometer Co., calometers | 59 40 |
| | Standard Oil Co., oil and gasoline | 59 25 |
| | Farmers' Home Journal, advertising | 18 00 |
| | University of Chicago, subscription | 4 00 |
| | Orange Judd Co., books | 1 88 |
| | J. C. Vaughn, plants and seeds | 15 19 |
| | Ashcraft Mfg. Co., clock and key | 8 57 |
| | Van Deren Hardware Co., hardware | 12 43 |
| | Jas. M. Byrnes, stationery and printing | 23 53 |
| | C. D. Cunningham, paints and oil | 8 91 |
| | Henry Schaeffer, repairs | 2 75 |
| | E. P. Johnson, plumbing | 15 88 |
| | Wm. Curran, kindling | 7 50 |
| | Wm. Purnell, books, etc | 33 05 |
| | Central Music & Art Co., supplies | 23 45 |
| | T. B. Hay & Co., hardware | 2 75 |
| | Farley Trans. Co., freight and drayage | 4 40 |
| | A. S. Walker, Jr., traveling expenses | 16 30 |
| 26 | Louis des Cognets & Co., coal | 445 99 |
| | Total | $6,104 19 |

## RECEIPTS FOR THE MONTH OF MARCH, 1901.

| | |
|---|---|
| Balance on hand March 1, 1901 | $ 6,505 07 |
| Received from Auditor, interest on bonds (3 Pay.) | 12,966 75 |
| From students' fees | 6 00 |
| Total | $19,477 82 |
| Total amount received in March | $19,477 82 |
| Total amount expended in March | 5,400 41 |
| Balance on hand April 1, 1901 | $14,077 41 |

## EXPENDITURES FOR THE MONTH OF MARCH, 1901.

| Date 1901. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Mar. 1 | Jas. K. Patterson, salary | $200 00 |
| | J. G. White, salary | 200 00 |
| | J. H. Kastle, salary | 200 00 |
| | F. P. Anderson, salary | 200 00 |
| | A. M. Miller, salary | 200 00 |
| | M. L. Pence, salary | 200 00 |
| | A. S. Mackenzie, salary | 160 00 |
| | J. P. Brooks, salary | 180 00 |
| | J. W. Pryor, salary | 120 00 |
| | C. W. Mathews, salary | 120 00 |
| | C. R. Studevant, salary | 120 00 |
| | J. T. Faig, salary | 125 00 |
| | L. K. Frankel, salary | 60 00 |
| | Jos. Dicker, salary | 45 00 |
| | Jas. K. Patterson, salary | 75 00 |
| | J. H. Neville, salary | 200 00 |
| | R. N. Roark, salary | 200 00 |
| | P. Wernicke, salary | 200 00 |
| | R. L. Blanton, salary | 130 00 |
| | J. R. Johnson, salary | 90 00 |
| | W. K. Patterson, salary | 150 00 |
| | J. L. Logan, salary | 120 00 |
| | J. M. Davis, salary | 100 00 |
| | J. E. Winston, salary | 80 00 |
| | Milford White, salary | 100 00 |
| | W. T. Carpenter, salary | 60 00 |
| | V. E. Muncy, salary | 12 50 |
| | R. S. Bullock, salary | 8 33 |
| | V. E. Muncy, salary | 70 83 |
| | Miss Mary Hodges, salary | 50 00 |
| | Mrs. L. B. Blackburn, salary | 80 00 |

| | | |
|---|---|---|
| | Jas. Murray, salary | 36 00 |
| | Thos. Aubrey, salary | 35 00 |
| | R. A. Milligan, salary | 30 00 |
| | J. T. Friley, salary | 30 00 |
| | E. A. Walden, salary | 40 00 |
| | John Smith, salary | 15 00 |
| | S. C. DeBow, salary | 40 00 |
| | John Johnson, salary | 25 00 |
| | Washington Ellis, salary | 20 00 |
| | Armstead Mitchell, salary | 20 00 |
| | Charley Williams, salary | 5 00 |
| | Miss M. G. Clay, salary | 15 00 |
| | J. A. Sharon, salary | 105 00 |
| | M. E. Johnson, salary | 15 00 |
| | J. T. Gunn, salary | 30 00 |
| | A. R. Marshall, salary | 10 00 |
| | W. L. Pennington, salary | 10 00 |
| | C. M. Smith, trumpeter, salary | 4 00 |
| | W. P. Johnson, pay-roll, student labor | 51 06 |
| | C. D. Lewis, teaching one class | 10 00 |
| | W. P. Johnson, teaching one class | 10 00 |
| | F. C. Elkins, postage | 16 00 |
| | J. M. McDaniels, football souvenirs | 30 00 |
| | Lex. Hydraulic & Mfg. Co., water | 62 01 |
| | State College Orchestra, music | 15 00 |
| 19 | F. C. Elkins, postage | 12 50 |
| | R. W. Nelson, expenses Trustees' meeting | 18 00 |
| 25 | Eugene Deitzgen Co., drawing paper | 19 93 |
| | Engineering News Pub. Co., books | 6 52 |
| | Hawkins & Sweeny, towels | 3 75 |
| | Herm Pfister, repairing level | 5 50 |
| | Bausch & Lomb Opt. Co., supplies | 34 16 |
| | Bush & Sons, manuals | 1 00 |
| | R. J. Haight, books | 7 00 |
| | Queen & Co., telescope | 48 00 |
| | Standard Oil Co., gasoline and oil | 54 75 |
| | Pettibone Bros. Mfg. Co., books | 6 75 |
| | Louis des Cognets & Co., coal and coke | 512 90 |
| | Stoll & Hamilton, alcohol | 2 40 |
| | E. P. Johnson, plumbing | 16 25 |
| | Henry Schaeffer, calf skin | 2 00 |
| | Lexington Lumber & Mfg. Co., lumber | 21 59 |
| | J. M. Byrnes, stationery and printing | 4 60 |
| | Wm. Curran, kindling | 10 00 |
| | T. B. Hay & Co., hardware | 3 95 |
| | C. D. Cunningham, glass | 1 10 |
| | R. N. Roark, cards and card file | 11 35 |

| | |
|---|---|
| O. R. King, lenses | 3 50 |
| V. E. Muncy, current expenses | 37 18 |
| Total | $5,400 41 |

## RECEIPTS FOR THE MONTH OF APRIL, 1901.

| | |
|---|---|
| Balance on hand April 1, 1901 | $14,077 41 |
| Received from students' fees | 12 25 |
| Total | $14,089 66 |
| Total amount received in April | $14,089 66 |
| Total amount expended in April | 5,632 63 |
| Balance on hand May 1st | $8,457 03 |

## EXPENDITURES FOR THE MONTH OF APRIL, 1901.

| Date 1901. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Apr. 1 | Jas. K. Patterson, salary | $200 00 |
| | J. G. White, salary | 200 00 |
| | J. H. Kastle, salary | 200 00 |
| | F. P. Anderson, salary | 200 00 |
| | A. M. Miller, salary | 200 00 |
| | M. L. Pence, salary | 200 00 |
| | A. S. Mackenzie, salary | 160 00 |
| | J. P. Brooks, salary | 180 00 |
| | J. W. Pryor, salary | 120 00 |
| | C. W. Mathews, salary | 120 00 |
| | C. R. Studevant, salary | 120 00 |
| | J. T. Faig, salary | 125 00 |
| | L. K. Frankel, salary | 60 00 |
| | Jos. Dicker, salary | 45 00 |
| | Jas. K. Patterson, salary | 75 00 |
| | J. H. Neville, salary | 200 00 |
| | R. N. Roark, salary | 200 00 |
| | P. Wernicke, salary | 200 00 |
| | R. L. Blanton, salary | 130 00 |
| | J. R. Johnson, salary | 90 00 |
| | W. K. Patterson, salary | 150 00 |
| | J. L. Logan, salary | 120 00 |
| | J. M. Davis, salary | 100 00 |
| | J. E. Winston, salary | 80 00 |
| | Milford White, salary | 100 00 |
| | W. T. Carpenter, salary | 60 00 |

| | | |
|---|---|---|
| | V. E. Muncy, salary | 12 50 |
| | R. S. Bullock, salary | 8 34 |
| | V. E. Muncy, salary | 70 84 |
| | Miss Mary Hodges, salary | 50 00 |
| | Mrs. L. B. Blackburn, salary | 80 00 |
| | Jas. Murray, salary | 39 00 |
| | Thos. Aubrey, salary | 35 00 |
| | R. A. Milligan, salary | 50 00 |
| | J. T. Friley, salary | 30 00 |
| | S. C. DeBow, salary | 40 00 |
| | E. A. Walden, salary | 40 00 |
| | John Smith, salary | 15 00 |
| | John Johnson, salary | 25 00 |
| | Washington Ellis, salary | 20 00 |
| | Armstead Mitchell, salary | 20 00 |
| | Chas. Milliams, salary | 5 00 |
| | Miss M. G. Clay, salary | 10 00 |
| | J. A. Sharon, salary | 112 00 |
| | M. E. Johnson, salary | 15 00 |
| | J. T. Gunn, salary | 30 00 |
| | A. R. Marshall, salary | 10 00 |
| | W. L. Pennington, salary | 10 00 |
| | C. M. Smith, trumpeter, salary | 4 00 |
| | C. D. Lewis, teaching one class | 5 76 |
| | W. P. Johnson, teaching one class | 8 40 |
| | W. P. Johnson, pay-roll, student labor | 65 35 |
| | J. M. McDaniels, balance on football souvenirs | 45 00 |
| 8 | F. C. Elkins, postage | 15 00 |
| 13 | J. W. Stoll, interest on bonds | 35 00 |
| | Lex. Hydraulic & Mfg. Co., water | 77 67 |
| 16 | S. S. Elam, six lectures | 6 00 |
| | Cambridge Botanical Supply Co., locks | 3 60 |
| | L. M. Prince, supplies | 27 27 |
| | Standard Oil Co., gasoline and oil | 51 00 |
| | Chicago Lab. Supply Co., instruments | 27 67 |
| | Wm. Purnell, books | 6 70 |
| | Chicago Lab. & Scale Supply Co., instruments | 18 10 |
| | E. P. Johnson, plumbing | 7 00 |
| | Lex. Lumber Co., lumber | 3 72 |
| | J. R. Johnson, extra class, session '99 | 61 98 |
| | Wm. Curran, kindling | 5 00 |
| | J. M. Byrnes, stationery | 19 40 |
| | J. T. Vance, supplies and repairs | 21 91 |
| | Byrnes & Lewis, feed | 8 34 |
| | C. F. Brower, furniture | 2 00 |
| | State College Orchestra, music | 15 00 |
| | Dr. H. Bewlay, Belgan hares | 3 00 |
| | C. W. Mathews, current account | 9 13 |

| | |
|---|---|
| Jos. Dicker, night work | 10 62 |
| Robt. Wilson, cleaning cistern | 4 00 |
| C. M. Kemp Mfg. Co., balance on gas engine | 275 00 |
| V. E. Muncy, current account | 26 96 |
| J. H. Patterson, two medals | 10 00 |
| West Disinfecting Co., disinfecting | 8 75 |
| L. des Cognets, coal | 255 66 |
| Van Deren Hardware Co., hardware | 20 21 |
| T. & B. Shely, supplies | 1 75 |
| Wm. Williams, cleaning cistern | 4 00 |
| Total | $5,632 63 |

## RECEIPTS FOR THE MONTH OF MAY, 1901.

| | |
|---|---|
| Balance on hand May 1st | $8,457 03 |
| Student fees and rents | 59 00 |
| Total | $8,516 03 |
| Total amount received in May, 1901 | $8,516 03 |
| Expended in May, 1901 | 3,465 49 |
| Balance on hand June 1, 1901 | $5,050 54 |

## EXPENDITURES FOR THE MONTH OF MAY, 1901.

| Date 1901. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| May 1 | Jas. K. Patterson, one-half salary | $100 00 |
| | J. G. White, one-half salary | 100 00 |
| | J. H. Kastle, one-half salary | 100 00 |
| | F. P. Anderson, one-half salary | 100 00 |
| | A. M. Miller, one-half salary | 100 00 |
| | M. L. Pence, one-half salary | 100 00 |
| | A. S. Mackenzie, one-half salary | 80 00 |
| | J. P. Brooks, one-half salary | 90 00 |
| | J. W. Pryor, one-half salary | 60 00 |
| | C. W. Mathews, one-half salary | 60 00 |
| | C. R. Studevant, one-half salary | 60 00 |
| | J. T. Faig, one-half salary | 62 50 |
| | L. K. Frankel, one-half salary | 30 00 |
| | Jos. Dicker, one-half salary | 45 00 |
| | J. K. Patterson, one-half salary | 37 50 |
| | J. H. Neville, one-half salary | 100 00 |
| | R. N. Roark, one-half salary | 100 00 |
| | P. Wernicke, one-half salary | 100 00 |

| | | |
|---|---|---|
| | R. L. Blanton, one-half salary | 65 00 |
| | J. R. Johnson, one-half salary | 45 00 |
| | W. K. Patterson, one-half salary | 75 00 |
| | J. L. Logan, one-half salary | 60 00 |
| | J. M. Davis, one-half salary | 50 00 |
| | J. E. Winston, one-half salary | 40 00 |
| | Milford White, one-half salary | 50 00 |
| | W. T. Carpenter, salary | 60 00 |
| | V. E. Muncy, salary | 12 50 |
| | R. S. Bullock, salary | 8 33 |
| | V. E. Muncy, salary | 70 83 |
| | Miss Mary Hodges, salary | 50 00 |
| | Mrs. L. B. Blackburn, salary | 80 00 |
| | Jas. Murray, salary | 39 00 |
| | Thos. Aubrey, salary | 35 00 |
| | R. A. Milligan, salary | 50 00 |
| | J. T. Friley, salary | 30 00 |
| | D. C. DeBow, salary | 40 00 |
| | E. A. Walden, salary | 40 00 |
| | John Smith, salary | 15 00 |
| | John Johnson, salary | 25 00 |
| | Washington Ellis, salary | 20 00 |
| | Armstead Mitchell, salary | 20 00 |
| | Charlie Williams, salary | 5 00 |
| | J. A. Sharon, salary | 80 00 |
| | M. E. Johnson, salary | 15 00 |
| | J. T. Gunn, salary | 30 00 |
| | A. R. Marshall, salary | 10 00 |
| | W. L. Pennington, salary | 10 00 |
| | C. M. Smith, trumpeter, salary | 4 00 |
| | W. P. Johnson, salary one class | 10 00 |
| | W. P. Johnson, pay-roll, student labor | 43 83 |
| | F. C. Elkins, postage | 38 00 |
| | J. C. Vaughn, seeds | 1 40 |
| | The Fred Macy Co., card files | 8 66 |
| | C. M. Kemp Mfg. Co., gas burners | 23 62 |
| | The Crimson, advertising | 5 00 |
| | O. V. Lange, lanterns | 7 00 |
| | J. T. Faig, Alumni Asso. Appro | 200 00 |
| 22 | Municipal Eng. Co., subscription | 2 00 |
| | G. E. Stechert, books | 30 03 |
| | Eimer & Amend, chemicals | 94 72 |
| | L. M. Prince, supplies | 7 59 |
| | MacMillan Co., books | 3 21 |
| | Willard N. Clute Co., books | 1 50 |
| | Cambridge Bot. Supply Co., supplies | 19 38 |
| | Bausch & Lomb Opt. Co., supplies | 110 03 |
| | Central Music & Art Co., photo supplies | 13 31 |

| | | |
|---|---|---|
| | John M. Greenway, books | 18 10 |
| | E. Bitterman & Son, tin trays | 6 00 |
| | Stoll & Hamilton, alcohol | 27 19 |
| | T. B. Hay & Co., lawn mower | 12 15 |
| | F. P. Johnson, plumbing | 1 15 |
| | W. E. McCann & Co., lamps | 3 15 |
| | F. J. Heintz, repairing | 1 00 |
| | Lex. Lumber Co., lumber | 4 69 |
| | C. F. Brower & Co., tables, etc | 3 75 |
| | Wm. Curran, kindling | 7 50 |
| | C. S. Brent, seed | 14 25 |
| | Milford White, traveling expenses | 14 22 |
| | V. E. Muncy, current account | 23 93 |
| | Lex. Hydraulic & Mfg. Co., water | 21 40 |
| | Standard Oil Co., oil and gasoline | 13 50 |
| | O. F. Smith, Jr., Asst. in Civil Eng | 25 00 |
| | T. T. Jones, one class in Latin | 31 50 |
| | Transylvania Co., supplies | 43 45 |
| | J. M. Byrnes, stationery | 5 10 |
| 29 | F. C. Elkins, postage | 9 52 |
| | Total | $3,465 49 |

## RECEIPTS FOR THE MONTH OF JUNE, 1901.

| | |
|---|---|
| Balance on hand June 1, 1901 | $5,050 54 |
| Received from rent on cottage | 10 00 |
| Received from rent on cottage, four months | 40 00 |
| Received from student damages | 44 19 |
| Total | $5,144 73 |
| Total amount received in June | $5,144 73 |
| Total amount expended in June | 3,856 88 |
| Balance July 1, 1901 | $1,287 85 |

## EXPENDITURES FOR THE MONTH OF JUNE, 1901.

| Date 1901. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| June 1 | L. K. Frankel, salary | $ 90 00 |
| | Jos. Dicker, salary | 45 00 |
| | V. E. Muncy, salary | 12 50 |
| | R. S. Bullock, salary | 8 33 |
| | V. E. Muncy, salary | 70 83 |
| | Miss Mary Hodges, salary | 50 00 |

| | | |
|---|---|---|
| | Mrs. L. B. Blackburn, salary | 80 00 |
| | Jas. Murray, salary | 40 50 |
| | Thos. Aubrey, salary | 35 00 |
| | R. A. Milligan, salary | 50 00 |
| | J. T. Friley, salary | 30 00 |
| | S. C. DeBow, salary | 40 00 |
| | E. A. Walden, salary | 40 00 |
| | John Smith, salary | 15 00 |
| | John Johnson, salary | 25 00 |
| | Washington Ellis, salary | 20 00 |
| | Armstead Mitchell, salary | 20 00 |
| | Charlie Williams, salary | 5 00 |
| | J. A. Sharon, salary, eight classes | 160 00 |
| | M. E. Johnson, salary | 30 00 |
| | J. T. Gunn, salary | 60 00 |
| | A. R. Marshall, salary | 20 00 |
| | C. M. Smith, trumpeter, salary | 4 00 |
| | W. P. Johnson, salary, one class | 5 00 |
| | W. P. Johnson, pay-roll, student labor | 68 65 |
| | R. W. Wilson, cadet captain, salary | 25 00 |
| | W. S. Webb, cadet captain, salary | 25 00 |
| | G. W. Ewell, cadet captain, salary | 25 00 |
| | C. A. Blessing, cadet captain, salary | 25 00 |
| | T. L. Richmond, cadet captain, salary | 25 00 |
| | J. H. Kehoe, 1st Lieut., salary | 20 00 |
| | G. L. Barkley, 1st Lieut., salary | 20 00 |
| | W. L. Pennington, 1st Lieut., salary | 20 00 |
| | C. L. Humphrey, 1st Lieut., salary | 20 00 |
| | G. H. Hailey, 1st Lieut., salary | 16 05 |
| | W. H. Perkins, 1st Lieut., salary | 20 00 |
| | L. W. Martin, 1st Lieut., salary | 20 00 |
| | A. S. Dabney, 1st Lieut., salary | 20 00 |
| | H. A. Hoeing, 2d Lieut., salary | 3 30 |
| | F. G. Cutler, class day expenses | 35 00 |
| | T. E. Warnock, 2d Lieut., salary | 15 00 |
| | Chas. Treos, 2d Lieut., salary | 15 00 |
| | F. G. Cuter, class day expenses | 35 00 |
| 6 | Student traveling expenses (109 students) | 1,283 44 |
| | Jas. Todd, trustees' meeting | 16 20 |
| | McD. Ferguson, trustee meeting expenses | 33 30 |
| | Lex. Hydraulic & Mfg. Co., water | 55 03 |
| | P. West, cadet corporal, salary | 15 00 |
| | O. F. Smith, writing warrants | 2 90 |
| | H. Sumner, typewriting thesis | 6 48 |
| | Saxton Band, music | 26 00 |
| | W. T. Carpenter, salary | 60 00 |
| | W. S. Webb, instructor in physics, salary | 81 00 |
| | W. H. Perkins, sewerage tank | 9 15 |

| | | |
|---|---|---|
| | W. L. Pennington, salary | 20 00 |
| 10 | John Johnson, janitor, salary | 10 38 |
| | Jas. K. Patterson, expenses to Cincinnati | 4 70 |
| | Armstead Mitchell, janitor, salary | 12 50 |
| 20 | C. H. Tandy, advertising | 5 00 |
| 25 | Consumers' Ice Co., ice | 1 15 |
| | W. F. Fowler, expenses to trustees meeting | 23 46 |
| | J. F. Hager, expenses to trustees meeting | 23 00 |
| | J. B. Marcum, expenses to trustees meeting | 10 40 |
| | Engineering News Publishing Co., books | 1 60 |
| | Eugene Deitzgen, drawing material | 137 56 |
| | Pacific Flush Tank Co., tanks | 23 20 |
| | Standard Oil Co., gasoline and oil | 13 00 |
| | Queen & Co., spark paint | 2 93 |
| | Wm. Geartner & Son, instruments | 109 30 |
| | Bausch Lomb Opt. Co., instruments | 37 50 |
| | Busse-Heidecke Brick Co., brick | 3 50 |
| | L. N. Stillwell, minerals | 43 80 |
| | Robt. Clarke Co., books | 13 56 |
| | Miss M. G. Clay, lettering diplomas | 23 50 |
| | F. C. Elkins, postage | 10 00 |
| | Lexington Railway Co., lights | 1 00 |
| | John Hutchinson, brooms and mops | 18 40 |
| | James M. Byrnes, stationery and printing | 21 53 |
| | Fayette Home Telephone Co., rental | 3 00 |
| | Wm. Purnell, labels | 3 75 |
| | Jas. Ramsey, cart shaft | 2 50 |
| | T. B. Hay & Co., scythes | 2 40 |
| | A. M. Miller, traveling expenses | 15 61 |
| | Smith, Watkins & Co., wire railing | 65 50 |
| | Van Deren Hardware Co., hardware | 30 50 |
| | C. D. Cunningham, glass, etc. | 18 95 |
| | Lexington Lumber Co., lumber | 33 10 |
| | Barnes & Hall, drugs | 4 90 |
| | F. T. Justice, sand and pipes | 4 67 |
| | J. D. Turner, copying thesis | 2 37 |
| | Popoular Astronomy, subscription | 5 00 |
| | Central Music and Art Co., photo supplies | 1 15 |
| | James M. Byrnes, binding thesis | 1 25 |
| | M. L. Pence, petty expenses | 1 46 |
| | Bausch & Lomb Opt. Co., microscope | 44 50 |
| | A. M. Miller, petty expenses | 8 53 |
| | John Wiley & Sons, books | 1 34 |
| | Wm. T. Robertson, bricklaying | 35 75 |
| | V. E. Muncy, current expenses | 57 31 |
| | J. Mann Engraving Co., half tone cuts | 2 00 |
| | J. W. Gilbert, officer, salary | 25 00 |

| | |
|---|---|
| Armstead Mitchell, janitor, salary | 12 50 |
| E. E. Evans, officer, salary | 18 75 |
| Total | $3,856 88 |

## SUMMARY OF THE RECEIPTS AND EXPENDITURES FOR THE YEAR 1900-1901.

### Receipts.

| | |
|---|---|
| Balance on hand July 1, 1900 | $ 8,483 63 |
| Received in July | 2,207 95 |
| Received in August | 22,120 62 |
| Received in September | 2,142 50 |
| Received in October | 205 15 |
| Received in November | 49 70 |
| Received in December | 15,458 82 |
| 1901. | |
| Received in January | $13,112 03 |
| Received in February | 72 75 |
| Received in March | 12,972 75 |
| Received in April | 12 25 |
| Received in May | 59 00 |
| Received in June | 94 19 |
| Total | $76,991 34 |

### Expenditures.

| | | |
|---|---|---|
| Expended in July | $ 6,798 32 | |
| Expended in August | 18,401 50 | |
| Expended in September | 2,988 08 | |
| Expended in October | 5,879 11 | |
| Expended in November | 5,581 45 | |
| Expended in December | 10,120 31 | |
| 1901. | | |
| Expended in January | $1,475 12 | |
| Expended in February | 6,104 19 | |
| Expended in March | 5,400 41 | |
| Expended in April | 5,632 63 | |
| Expended in May | 3,465 49 | |
| Expended in June | 3,856 98 | |
| Balance | 1,287 85 | |
| | | $76,991 34 |

| | |
|---|---|
| Balance on hand July 1, 1901 | $1,287 85 |

## COLLEGIATE YEAR 1901-02.

### Faculty.

| | Faculty assistants and employes with salaries. | By whom appointed. |
|---|---|---|
| James K. Patterson, President, Professor of History, Political Economy and Metaphysics.. | $3,300 00 | Bd. Trus. |
| James G. White, Professor Mathematics and Astronomy | 2,000 00 | " " |
| J. H. Neville, Vice-President, Professor of Greek and Latin | 2,000 00 | " " |
| W. K. Patterson, Principal of the Academy | 1,500 00 | " " |
| J. H. Kastle, Professor of Chemistry | 2,000 00 | " " |
| Ruric N. Roark, Principal of the Normal School | 2,000 00 | " " |
| J. W. Pryor, Professor of Anatomy and Physiology | 1,200 00 | " " |
| F. P. Anderson, Professor of Mechanical Engineering | 2,000 00 | " " |
| C. W. Mathews, Professor of Botany, Horticulture and Agriculture | 1,200 00 | " " |
| A. M. Miller, Professor of Geology and Zoology. | 2,000 00 | " " |
| M. L. Pence, Professor of Physics | 2,000 00 | " " |
| Paul Wernicke, Professor of Modern Languages | 2,000 00 | " " |
| J. P. Brooks, Professor of Civil Engineering | 1,900 00 | " " |
| A. S. Mackenzie, Professor of English and Logic | 1,700 00 | " " |
| Chas. J. Norwood, Professor of Mining Engineering | (Paid by State.) | |
| R. A. McKee, Commandant and Professor of Military Science | 500 00 | " " |

### Assistants.

| | | |
|---|---|---|
| J. L. Logan, Asst. Professor in Academy | $1,200 00 | Bd. Trus. |
| R. L. Blanton, Asst. Professor of Greek and Latin | 1,300 00 | " " |
| J. M. Davis, Asst. in the Academy | 1,000 00 | " " |
| V. E. Muncy, Asst. in the Academy | 900 00 | " " |
| J. R. Johnson, Asst. in Mathematics | 1,200 00 | " " |
| J. T. Faig, Asst. in Mechanical Engineering | 1,250 00 | " " |
| Milford White, Asst. in the Normal School | 1,000 00 | " " |
| J. E. Winston, Asst. in the Academy | 800 00 | " " |
| L. K. Frankel, Asst. in Mechanical Engineering | 800 00 | " " |
| A. R. Sawyer, Asst. Professor in Electrical Engineering | 1,200 00 | " " |
| A. G. Spillman, Asst. Inspector of Mines | (Paid by State.) | |
| G. L. Barclay, Asst. in Experimental Engineering | 480 00 | " " |

| | Faculty assistants and employes with salaries. | By whom appointed. |
|---|---|---|
| Joseph Dicker, Asst. in Mechanical Engineering | 600 00 | " " |
| J. A. Sharon, Fellow Asst. in English and Mathematics | 300 00 | President. |
| E. A. Walden, Asst. in Wood Shop | 480 00 | " |
| W. L. Pennington, Fellow and Asst. in Pedagogy | 150 00 | " |
| T. T. Jones, Asst. in Greek and Latin | | " |
| Gertrude Sealey, Asst. in Free Hand Drawing | 150 00 | " |
| William H. Kiler, Physical Director | 1,000 00 | Bd. Trus. |
| Florence G. Offutt, Physical Director | 800 00 | " " |

**Additional Lecture Assistants.**

| | | |
|---|---|---|
| Mary E. Clarke, Fellow and Asst. in Chemistry | $150 00 | President. |
| H. P. Bassett, Fellow and Instructor in Chemistry | 150 00 | " |
| A. R. Marshall, Fellow and Asst. in Geology | 150 00 | " |
| Claude L. Humphrey, Fellow and Asst. Mechanical Engineering | 150 00 | " |
| Orville F. Smith, Asst. in Civil Engineering | 100 00 | " |
| Sam'l. G. McDonald, Fellow and Asst. in Botany | 100 00 | " |

**Other Officers and Employes.**

| | | |
|---|---|---|
| Mrs. L. B. Blackburn, Monitress | $800 00 | Bd. Trus. |
| Miss Mary Hodges, Stenographer | 600 00 | President. |
| D. C. Frazee, Business Manager | 1,000 00 | Bd. Trus. |
| James Murray | 480 00 | " " |
| Thos. Aubrey | 480 00 | " " |
| R. A. Milligan | 600 00 | " " |
| John Smith | 216 00 | President. |
| Pierre Whitman | 200 00 | " |
| J. T. Friley | 360 00 | Bd. Trus. |
| Armstead Mitchell | 200 00 | President. |
| Chas. Williams | 60 00 | " |
| Chas. Turner | 200 00 | " |
| R. S. Bullock | 100 00 | Bd. Trus. |

## RECEIPTS FOR THE MONTH OF JULY, 1901.

| | |
|---|---|
| Balance on hand July 1, 1901 | $ 1,287 85 |
| Received from Auditor, interest on bonds | 4,322 25 |
| Interest on deposits | 100 81 |
| Student, damages | 1 25 |
| United States Government, Act of 1890 | 10,000 00 |
| Total | $15,712 16 |
| Total amount received in July | $15,712 16 |
| Total amount expended in July | 10,328 68 |
| Balance on hand August 1, 1901 | $5,383 48 |

## EXPENDITURES FOR THE MONTH OF JULY, 1901.

| Date 1901. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| July 1 | V. E. Muncy, salary | $ 12 50 |
| | R. S. Bullock, salary | 8 34 |
| | V. E. Muncy, salary | 70 84 |
| | Miss Mary Hodges, salary | 50 00 |
| | Mrs. L. B. Blackburn, salary | 80 00 |
| | Jas. Murray, salary | 21 75 |
| | Thos. Aubrey, salary | 35 00 |
| | R. A. Milligan, salary | 50 00 |
| | J. T. Friley, salary | 30 00 |
| | D. C. Debow, salary | 40 00 |
| | E. A. Walden, salary | 40 00 |
| | John Smith, salary | 18 60 |
| | Washington Ellis, salary | 20 00 |
| | Chas. Williams, salary | 5 00 |
| | Jos. Dicker, night work | 15 38 |
| | W. H. Durham, pay-roll, student labor | 92 65 |
| | A. F. Crider, traveling expenses, advertising college | 17 00 |
| | C. S. Adams, traveling expenses advertising college | 17 00 |
| | F. C. Elkins, postage | 15 00 |
| | Farley Transfer Co., freight and drayage | 45 99 |
| | Wm. T. Robertson, bricklaying in boiler | 37 50 |
| | F. C. Elkins, postage | 22 00 |
| | Lexington Hydraulic & Manufacturing Co., water | 42 79 |
| | L. des Cognets & Co., brick, sand and lime | 467 84 |
| | H. Summer, typewriting | 2 03 |
| 19 | Jas. K. Patterson, salary | 500 00 |
| | J. G. White, salary | 500 00 |
| | J. H. Kastle, salary | 500 00 |

| | |
|---|---|
| F. P. Anderson, salary | 500 00 |
| A. M. Miller, salary | 500 00 |
| M. L. Pence, salary | 464 00 |
| A. S. McKenzie, salary | 400 00 |
| J. P. Brooks, salary | 450 00 |
| J. W. Pryor, salary | 300 00 |
| C. W. Mathews, salary | 300 00 |
| C. R. Studevant, salary | 300 00 |
| J. T. Faig, salary | 312 50 |
| L. K. Frankel, salary | 60 00 |
| Jos. Dicker, salary | 45 00 |
| Jas. K. Patterson, salary | 187 50 |
| J. H. Neville, salary | 500 00 |
| R. N. Roark, salary | 500 00 |
| P. Wernicke, salary | 500 00 |
| R. L. Blanton, salary | 325 00 |
| J. R. Johnson, salary | 225 00 |
| W. K. Patterson, salary | 375 00 |
| J. L. Logan, salary | 300 00 |
| J. M. Davis, salary | 250 00 |
| J. E. Winston, salary | 200 00 |
| Milford White, salary | 250 00 |
| W. T. Carpenter, salary | 60 00 |
| F. P. Anderson, pay-roll, student labor | 175 88 |
| Electrical Appliance Co., supplies | 11 59 |
| Courier-Journal Printing Co., diplomas | 50 00 |
| Total | $10,328 68 |

## RECEIPTS FOR THE MONTH OF AUGUST, 1901.

| | |
|---|---|
| Balance on hand August 1, 1901 | $ 5,383 48 |
| Received from rent on cottage | 12 50 |
| Received balance on U. S. Gov. | 11,375 00 |
| Total | $16,770 98 |
| Total amount received in August, 1901 | $16,770 98 |
| Total amount received in August, 1901 | 4,259 50 |
| Balance on hand September 1st | $12,511 48 |

## EXPENDITURES FOR THE MONTH OF AUGUST, 1901.

| Date 1901. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Aug. 1 | Jas. K. Patterson, salary | $275 00 |
| | Jos. Dicker, salary | 45 00 |

| | | |
|---|---|---|
| | D. C. Frazee, salary | 12 50 |
| | R. S. Bullock, salary | 8 33 |
| | D. C. Frazee, salary | 54 16 |
| | Miss Mary Hodges, salary | 50 00 |
| | J. A. Murray, salary | 40 50 |
| | Thos. Aubrey, salary | 35 00 |
| | R. A. Milligan, salary | 50 00 |
| | J. T. Friley, salary | 30 00 |
| | E. A. Walden, salary | 40 00 |
| | G. L. Barkley, salary | 35 00 |
| | John Smith, salary | 20 00 |
| | Chas, Williams, salary | 2 50 |
| | W. H. Durham, pay-roll, student labor | 66 50 |
| | W. H. Kiler, salary | 83 33 |
| 3 | E. C. Elkins, postage | 37 00 |
| | J. A. Sharon, balance on salary, 1900-01 | 24 00 |
| 4 | J. M. McDaniels, advertising | 15 00 |
| | J. P. Morton & Co., catalogues | 338 00 |
| | Railroad Gazette, subscription | 8 40 |
| | S. P. Townsend & Co., one horse lawn mower | 65 00 |
| | Standard Oil Co., gasoline and oil | 72 83 |
| | Power Publishing Co., subscription | 1 00 |
| | Electrician Publishing Co., subscription | 2 00 |
| | Electrical World & Engraving Co., advertising | 12 50 |
| | David Williams & Co., subscription | 1 00 |
| | American Engineer, subscription | 2 20 |
| | Cassier Magazine Co., subscription | 3 00 |
| | Standard Calometer Co., supplies | 13 45 |
| | Geo. F. Blake Manufacturing Co., pumps | 59 00 |
| | Wheeler Condenser & Eng. Co., apparatus | 140 00 |
| | F. Weber & Co., drawing material | 6 34 |
| | C. C. Stoll & Co., oil | 38 02 |
| | American Tool Works Co., tools | 2 50 |
| | Swain Lubricating Co., globes | 6 00 |
| | Machads & Roller, volmeters | 5 00 |
| | Standard Electric Co., supplies | 1 44 |
| | Lodge & Shiply Mechanical Tool Co., files, etc. | 5 50 |
| | L. M. Prince, drawing material | 188 02 |
| | Queen City Supply Co., Hardware | 330 06 |
| | Combs Lumber Co., lumber | 109 17 |
| | Smith, Watkins Co., locks, rope | 15 75 |
| | T. A. Hornsey, awning, | 10 00 |
| | Jno. M. Greenway, books | 6 55 |
| | Poer & Trailot, paint and alcohol | 49 25 |
| | E. P. Johnson, plumbing | 165 43 |
| | Morning Herald, 100 papers | 3 00 |
| | Lexington Leader, 300 papers | 9 00 |
| | Elite Stationery Co., stationery | 9 00 |

| | | |
|---|---|---|
| | Jas. M. Byrnes, stationery and printing | 7 75 |
| | Byrnes & Lewis, feed | 3 21 |
| | Consumers' Ice Co., ice | 1 90 |
| | Lexington Hydraulic & Manufacturing Co., water | 49 41 |
| | Lexington Railway Co., light | 2 00 |
| | E. Tennessee Telephone Co., rental | 3 00 |
| | T. B. Hay & Co., grates and hardware | 2 75 |
| | Geo. Land, lime | 2 00 |
| | Transylvania Co., stationery | 278 63 |
| | L. des Cognets & Co., fire brick, etc. | 12 50 |
| | M. L. Pence, petty expenses | 5 00 |
| | Van Deren Hardware Co., hardware | 11 20 |
| | J. T. Vance, cooler | 4 80 |
| | J. G. Strode, window screens | 3 50 |
| | G. D. Mastin, horseshoeing | 1 25 |
| | Hugh O'Neil, horseshoeing | 1 50 |
| | John Faig, harness | 18 70 |
| | J. H. Staples, plastering | 70 00 |
| | Barnes & Hall, chemicals | 29 45 |
| | C. D. Cunningham, alcohol and paint | 46 70 |
| | Lexington Lumber Co., lumber | 143 26 |
| | Appleton & Edge, silk canvas | 1 39 |
| | Robt. Clarke Co., books | 1 00 |
| | Jackson Hustler, advertising | 6 00 |
| | A. F. Crider, traveling expenses | 31 00 |
| | C. S. Adams, traveling expenses | 31 00 |
| | Engineering Review, subscription | 1 00 |
| | W. G. Thompson, plumbing | 3 00 |
| | Thos. L. Walker, advertising | 5 00 |
| | E. Tennessee Telephone Co., rental | 3 00 |
| | Miss Minnie Daily, traveling expenses | 11 60 |
| 15 | V. E. Muncy, current expenses | 65 70 |
| | F. P. Anderson, pay-roll, student labor | 20 25 |
| 31 | Jas. K. Patterson, salary | 275 00 |
| | Jos. Dicker, salary | 45 00 |
| | Wm. Kisel, salary | 83 33 |
| | D. C. Frazee, salary | 12 50 |
| | R. S. Bullock, salary | 8 33 |
| | D. C. Frazee, salary | 54 16 |
| | Miss Mary Hodges, salary | 50 00 |
| | Jas. Murray, salary | 40 50 |
| | Thos. Aubrey, salary | 35 00 |
| | R. A. Milligan, salary | 50 00 |
| | J. T. Friley, salary | 30 00 |
| | E. A. Walden, salary | 40 00 |
| | G. L. Barkley, salary | 35 00 |
| | John Smith, salary | 20 00 |
| | Total | $4,259 50 |

## RECEIPTS FOR THE MONTH OF SEPTEMBER, 1901.

| | |
|---|---|
| Balance on hand September 1, 1901 | $12,511 48 |
| Jas K. Patterson, rent | 300 00 |
| Rent on cottage | 12 50 |
| Student fees | 2,865 00 |
| Total | $15,688 98 |
| Total amount received in September | $15,688 98 |
| Total amount expended in September | 912 44 |
| Balance on hand October 1, 1901 | $14,776 54 |

## EXPENDITURES FOR THE MONTH OF SEPTEMBER, 1901.

| Date 1901. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Sept. 3 | Charley Williams, janitor, salary | $ 5 00 |
| | W. H. Durham, pay-roll, student labor | 52 70 |
| | Jesse Woodruff, insurance | 51 60 |
| | Geo. B. Kinkead, insurance | 51 60 |
| | R. Arnspiger, insurance | 25 80 |
| | H. P. Kinkead, insurance | 51 60 |
| | G. A. DeLong, insurance | 154 80 |
| | D. C. Frazee, petty expenses | 34 09 |
| | Lexington Leader, advertising | 14 60 |
| | Jas. Timmonis, machinery | 15 40 |
| | J. H. Hansom, subscriptions | 2 75 |
| | Jno. M. Greenway, books | 4 45 |
| | Morning Herald,, advertising | 21 80 |
| | Louis des Cognets, coal | 5 69 |
| | Barnes & Hall, chemicals | 4 45 |
| | Southern Evangelist Co., advertising | 5 00 |
| | Babcock, Wilcox Co., repairing boiler | 30 95 |
| | A. H. Andrews & Co., erasers | 5 00 |
| | Pendletonian, advertising | 5 00 |
| | F. C. Elkins, postage | 20 00 |
| | American Machinist Press, advertising | 10 40 |
| | Engineering Magazine Co., advertising | 11 75 |
| | Queen City Supply Co., boiler tubes | 100 44 |
| | Queen & Co., apparatus | 4 00 |
| | Crandell Packing Co., packing | 4 95 |
| | L. M. Prince, optical instruments | 6 46 |
| | Bausch & Lomb, optical instruments | 39 30 |
| | Eimer & Amend, chemicals, | 4 55 |
| | Cassier Magazine Co., subscription | 3 50 |

| | |
|---|---|
| The Foundry, subscription | 1 00 |
| T. J. Shannon, brickwork on cesspool | 14 40 |
| Jessamine News, advertising | 5 00 |
| G. R. Keller & Son, advertising | 5 00 |
| Commonwealth Publishing Co., advertising | 5 00 |
| Owensboro Messenger Co., advertising | 5 00 |
| F. P. Anderson, pay-roll, student labor | 21 85 |
| Public Ledger, advertising | 5 00 |
| Home and Farm, advertising | 10 00 |
| Wayne County Record, advertising | 5 00 |
| Pantagraph Publishing Co., advertising | 5 00 |
| Semi-Weekly Progress, advertising | 5 00 |
| F. C. Elkins, postage | 3 00 |
| Miss Nettie Rodes, advertising | 10 00 |
| C. R. Gilmore, Y. M. C. A. handbook | 1 50 |
| Dr. J. W. Pryor, past pay, phys. director | 50 00 |
| Lexington Hydraulic & Manufacturing Co., water | 13 06 |
| Total | $912 44 |

## RECEIPTS FOR THE MONTH OF OCTOBER, 1901.

| | |
|---|---|
| Balance on hand October 1, 1901 | $14,776 54 |
| Received C. D. Cunningham, rebate check | 31 40 |
| D. C. Frazee, coal for employes | 53 90 |
| Student fees | 284 50 |
| Student, damages | 21 47 |
| Total | $15,167 81 |
| Total amount received in October, 1901 | $15,167 81 |
| Total amount expended in October, 1901 | 5,870 35 |
| Balance on hand November 1, 1901 | $9,297 46 |

## EXPENDITURES FOR THE MONTH OF OCTOBER, 1901.

| Date 1901. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Oct. 1 | Col. R. W. Nelson, traveling expenses | $ 17 50 |
| | Jas. K. Patterson, salary | 275 00 |
| | J. G. White, salary | 200 00 |
| | J. H. Neville, salary | 200 00 |
| | W. K. Patterson, salary | 150 00 |
| | J. H. Kastle, salary | 200 00 |
| | R. N. Roark, salary | 200 00 |
| | J. W. Pryor, salary | 120 00 |

| | |
|---|---|
| F. P. Anderson, salary | 200 00 |
| C. W. Mathews, salary | 120 00 |
| A. M. Miller, salary | 200 00 |
| M. L. Pence, salary | 200 00 |
| P. Wernicke, salary | 200 00 |
| J. P. Brooks, salary | 190 00 |
| A. S. McKenzie, salary | 170 00 |
| R. A. McKee, salary | 50 00 |
| J. L. Logan, salary | 120 00 |
| R. L. Blanton, salary | 130 00 |
| J. M. Davis, salary | 100 00 |
| V. E. Muncy, salary | 90 00 |
| J. R. Johnson, salary | 120 00 |
| J. T. Faig, salary | 125 00 |
| Milford White, salary | 100 00 |
| J. E. Winston, salary | 80 00 |
| L. K. Frankel, salary | 80 00 |
| A. R. Sawyer, salary | 100 00 |
| D. C. Frazee, salary | 12 50 |
| Miss M. Hodges, salary | 50 00 |
| R. S. Bullock, salary | 8 34 |
| D. C. Frazee, salary | 54 16 |
| Mrs. L. B. Blackburn, salary | 80 00 |
| Jas. Murray, salary | 37 50 |
| Thos. Aubrey, salary | 40 00 |
| R. A. Milligan, salary | 50 00 |
| John Smith, salary | 18 00 |
| Pier Whiteman, salary | 19 35 |
| Washington Ellis, salary | 20 00 |
| Armstead Mitchell, salary | 20 00 |
| Chas. Williams, salary | 5 00 |
| J. T. Friley, salary | 30 00 |
| E. A. Walden, salary | 40 00 |
| G. L. Barkley, salary | 35 00 |
| W. H. Durham, pay-roll, student labor | 37 25 |
| Jos. Dicker, salary | 50 00 |
| W. Kiler, salary | 83 34 |
| F. P. Anderson, pay-roll, student labor, Mech. Hall | 59 46 |
| D. C. Frazee, salary | 28 00 |
| Robt. Clarke Co., books | 6 36 |
| Courier-Journal, advertising | 42 00 |
| Morning Democrat, advertising | 12 50 |
| American Electrician, subscription | 1 00 |
| Railroad Gazette, advertising | 12 50 |
| Railway Age, subscription | 4 00 |
| Southern School Journal, advertising | 10 00 |
| E. N. Alexander, typewriter | 45 00 |
| Queen City Supply Co., supplies | 55 27 |

| | | |
|---|---|---|
| | Farley Transfer Co., freight and drayage | 20 28 |
| | L. M. Prince, drawing instrument | 59 56 |
| | Chas. W. Ward, human skeleton, | 37 00 |
| | Van Deren Hardware Co., hardware | 27 00 |
| | Barttell & Simrall, insurance | 25 80 |
| | Queen City Supply Co., supplies | 21 50 |
| | Dennison Manufacturing Co., rubber bands | 3 00 |
| | C. W. Mathews, expenses to Louisville | 6 00 |
| | Consumers' Ice Co., ice | 5 40 |
| | Lexington Lumber Co., lumber | 14 60 |
| | C. N. Norris, | 1 20 |
| | Central Music and Art Co., photo supplies | 3 10 |
| | F. B. Shelly, brushes | 1 95 |
| | Eugene Gilliland, office work | 3 00 |
| | C. D. Cunningham, paints | 68 85 |
| | C. D. Cunningham, alcohol, etc | 29 15 |
| | L. des Cognets & Co., brick, etc | 3 65 |
| | Jas. M. Byrnes, books | 25 00 |
| | E. P. Johnson, plumbing | 12 03 |
| | Transylvania Printing Co., supplies | 33 26 |
| | Elite Stationery Co., stationery | 5 85 |
| | Harrodsburg Democrat, advertising | 5 00 |
| | E. P. Johnson, supplies | 5 08 |
| | John Hutchinson, soap, etc | 4 25 |
| | Smith Watkins, hardware, | 65 |
| | W. E. McCann & Co., water cooler | 5 00 |
| | W. P. Sharpe, anvil block | 1 00 |
| | Whitall, Tatum Co., chemicals | 3 73 |
| | Chas, Strilinger & Co., supplies | 25 78 |
| | J. H. Staples, plastering | 6 05 |
| | Carrollton Democrat, advertising | 5 00 |
| | Hopkinsville Republic, advertising | 5 00 |
| | Times Journal Co., advertising | 5 00 |
| | Kentucky Advocate, advertising | 5 00 |
| | Farmers' Home Journal, advertising | 15 00 |
| | Georgetown Times, advertising | 5 00 |
| | Mayfield Monitor, advertising | 5 00 |
| | Semi-Weekly Journal, advertising | 5 00 |
| | Princeton Banner, advertising | 5 00 |
| | Paintsville Commercial, advertising | 5 00 |
| | Standard Oil Co., advertising | 74 90 |
| | F. C. Elkins, box rent | 1 00 |
| | Lexington Railway Co., lights | 2 00 |
| | Babcock, Wilcox Co., tubes for boiler | 3 00 |
| 8 | Standard Electrical Co., electrical supplies | 11 25 |
| | Queen & Co., instruments | 1 67 |
| | Monitor Echo, advertising | 5 00 |
| | Herald Ledger, advertising | 5 00 |

| | | |
|---|---|---|
| | J. C. Jenkins, money refunded, fees | 7 50 |
| | G. L. Barkley, extra work | 21 10 |
| | Jessamine Journal, advertising | 5 00 |
| 14 | W. P. Bassett, assistant in chemistry | 15 00 |
| | Jas. K. Patterson, traveling expenses | 21 80 |
| | Miss M. E. Clarke, assistant in chemistry | 15 00 |
| | W. S. Webb, assistant in physics | 15 00 |
| | J. A. Sharon, assistant in English | 15 00 |
| | W. L. Pennington, assistant in normal | 15 00 |
| | J. A. Sharon, assistant in mathematics | 15 00 |
| | C. L. Humphery, assistant in mech. eng. | 15 00 |
| | A. R. Marshall, assistant in science | 15 00 |
| | S. G. McDonald, assistant in botany | 10 00 |
| | E. Gilliland, money refunded, fees | 2 50 |
| | Kinkead Coal Co., coal, college and employe | 81 49 |
| | O. F. Smith, assistant civil engineer | 10 00 |
| | F. C. Elkins, postage | 20 00 |
| | F. P. Anderson, pay-roll, student labor | 20 12 |
| | H. E. Curtis, athletics | 150 00 |
| | Lexington Hydraulic & Manufacturing Co., water | 52 74 |
| | C. M. Smith, trumpeter | 6 00 |
| | Col. R. W. Nelson, expenses to Com. meeting | 9 50 |
| | Total | $5,870 35 |

## RECEIPTS FOR THE MONTH OF NOVEMBER, 1901.

| | |
|---|---|
| Balance on hand November 1st, | $9,297 46 |
| Received from student, fees | 32 90 |
| Received from student, damages | 9 35 |
| Total | $9,339 71 |
| Total amount received in November, 1901 | $9,339 71 |
| Total amount expended in November, 1901 | 6,357 39 |
| Balance on hand December 1, 1901 | $2,982 32 |

## EXPENDITURES FOR THE MONTH OF NOVEMBER, 1901.

| Date 1901. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Nov. 1 | Jas. K. Patterson, salary | $275 00 |
| | J. G. White, salary | 200 00 |
| | J. H. Neville, salary | 200 00 |
| | W. K. Patterson, salary | 150 00 |
| | J. H. Kastle, salary | 200 00 |
| | R. N. Roark, salary | 200 00 |

| | | |
|---|---|---|
| | J. W. Pryor, salary | 120 00 |
| | F. P. Anderson, salary | 200 00 |
| | C. W. Mathews, salary | 120 00 |
| | A. M. Miller, salary | 200 00 |
| | M. L. Pence, salary | 200 00 |
| | P. Wernicke, salary | 200 00 |
| | John P. Brocks, salary | 190 00 |
| | A. S. McKenzie, salary | 170 00 |
| | J. L. Logan, salary | 120 00 |
| | R. A. Magee, salary | 50 00 |
| | V. E. Muncy, salary | 90 00 |
| | J. M. Davis, salary | 100 00 |
| | J. R. Johnson, salary | 120 00 |
| | Milford White, salary | 100 00 |
| | J. E. Winston, salary | 80 00 |
| | A. R. Sawyer, salary | 100 00 |
| | Jos. Dicker, salary | 50 00 |
| | W. H. Kiler, salary | 83 33 |
| | D. C. Frazee, salary | 12 50 |
| | D. C. Frazee, salary | 54 16 |
| | Miss M. Hodges, salary | 50 00 |
| | Mrs. L. B. Blackburn, salary | 80 00 |
| | R. S. Bullock, salary | 8 33 |
| | Jas. Murray, salary | 40 50 |
| | Thos. Aubrey, salary | 40 00 |
| | R. A. Milligan, salary | 50 00 |
| | John Smith, salary | 18 00 |
| | Pier Whiteman, salary | 20 00 |
| | Washington Ellis, salary | 20 00 |
| | Armstead Mitchell, salary | 20 00 |
| | Chas. Williams, salary | 5 00 |
| | J. T. Friley, salary | 30 00 |
| | E. A. Walden, salary | 40 00 |
| | R. L. Barkley, salary | 35 00 |
| | H. P. Bassett, salary | 15 00 |
| | Miss Mary Clark, salary | 15 00 |
| | W. S. Webb, salary | 15 00 |
| | J. A. Sharon, salary | 30 00 |
| | W. L. Pennington, salary | 15 00 |
| | S. G. McDonald, salary | 10 00 |
| | O. F. Smith, salary | 10 00 |
| | Charlie Turner, salary | 6 70 |
| | J. W. Pryor, medical examiner | 50 00 |
| | D. C. Frazee, petty cash account | 20 50 |
| | Courier-Journal Co., advertising | 40 00 |
| | Western Elec. Supply Co., supplies | 10 65 |
| | J. F. Eastwood, books | 60 00 |
| 5 | Wallace Muir, insurance | 22 50 |

| | | |
|---|---|---|
| | C. F. Brower & Co., desks | 32 42 |
| | J. C. Berryman, brooms | 3 40 |
| | T. B. Hay, key and wire, | 2 35 |
| | Victor Bogart, repairs clock | 1 00 |
| | J. B. Rogers & Co., mops | 2 50 |
| | Byrne & Lewis, feed | 3 00 |
| | Lexington Water Co., water | 54 54 |
| | East Tennessee Telephone Co., rentals | 3 00 |
| | R. L. Blanton, salary | 130 00 |
| | J. T. Faig, salary | 125 00 |
| | L. des Cognets & Co., brick, sand, etc | 18 64 |
| | Industrial Press, advertising | 1 00 |
| | Jas. P. Headly, insurance | 40 20 |
| | J. W. Stoll, insurance | 50 25 |
| | R. Arnspiger, insurance | 40 20 |
| | G. A. DeLong, insurance | 52 90 |
| | Geo. B. Kinkead, insurance | 70 35 |
| | Elite Stationery Co., stationery | 3 50 |
| | Hugh O'Neil, shoeing mule | 1 00 |
| | J. L. Watson, cotton | 3 44 |
| | American Tool Works, tools | 2 50 |
| | Queen & Co., physics | 18 35 |
| | Poer & Traliot, supplies | 27 00 |
| | Jas. M. Byrnes, stationery | 41 35 |
| | J. H. Weihle & Sons, chairs | 3 00 |
| | Electrical Supply Co., supplies | 48 00 |
| | Smith, Watkins & Co., hardware | 13 62 |
| | Kentucky Sheerer Co., supplies | 33 93 |
| 7 | F. P. Anderson, student labor, Mech. hall | 36 00 |
| | Standard Oil Co., oil | 22 63 |
| | Transylvania Co., stationery | 44 72 |
| | Street Railway Co. advertising | 3 20 |
| | Thos. Ahern, plumbing | 1 00 |
| | Wm. Purnell, stationery | 19 70 |
| | American Book Co., books | 10 37 |
| | Fred Macey Co., desk files | 3 50 |
| | Robt. Clarke Co., books | 16 72 |
| | Horseless Age, subscription | 2 00 |
| | C. D. Cunningham, paints and oil | 24 16 |
| | T. B. Shely, electrical supplies | 75 |
| | Globe-Wernicke Co., desks | 51 50 |
| | Standard Electric Co., lamps | 2 65 |
| | Kinkead Coal Co., coal | 244 50 |
| | M. F. Conly, advertising, Big Sandy News | 5 00 |
| | Bausch & Lomb Optical Co., apparatus | 174 55 |
| | Department of Interior, subscription | 2 00 |
| | F. Weber & Co., supplies | 68 58 |
| | Ziegler Electric Co., electrical supplies | 43 10 |

| | | |
|---|---|---|
| | G. A. DeLong, insurance | 87 70 |
| | Fayette Telephone Co., rental and tolls | 7 50 |
| | Jas. K. Patterson, traveling expenses to Washington | 60 50 |
| | F. P. Anderson, traveling expenses to Washington | 29 00 |
| 19 | F. C. Elkins, postage | 20 00 |
| | C. W. Mathews, petty cash account | 7 44 |
| | Miss Gertrude Sealy, salary drawing | 15 00 |
| | M. L. Pence, petty cash account | 5 00 |
| 25 | A. F. Crider, fees, returned | 2 50 |
| | R. W. Nelson, expenses, trustees meeting | 8 75 |
| | A. W. Kephart, fees, returned | 1 65 |
| | C. W. Smith, trumpeter | 5 00 |
| | G. L. Barkley, gymnasium fee refunded | 5 00 |
| | L. K. Frankel, salary | 80 00 |
| | C. L. Humphrey, salary | 15 00 |
| | A. L. Marshall, salary | 15 00 |
| | D. C. Frazee, pay-roll, student labor | 11 86 |
| | W. S. Bell, flowers | 10 00 |
| | Lexington Railway Co., light | 5 25 |
| | Total | $6,357 39 |

## RECEIPTS FOR THE MONTH OF DECEMBER, 1901.

| | |
|---|---|
| Balance on hand December 1, 1901 | $ 2,982 32 |
| D. C. Frazee, excess on deposit | 22 50 |
| From auditor, taxes | 20,508 00 |
| Student fees | 75 00 |
| Other sources | 17 50 |
| Total | $23,605 32 |
| Total amount received in December | $23,605 32 |
| Total amount expended in December | 5,614 01 |
| Balance on hand January 1, 1902 | $17,991 31 |

## EXPENDITURES FOR THE MONTH OF DECEMBER, 1901.

| Date 1901. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Dec. 2 | Jas. K. Patterson, salary | $275 00 |
| | J. G. White, salary | 200 00 |
| | J. H. Neville, salary | 200 00 |
| | J. H. Kastle, salary | 200 00 |
| | R. N. Roark, salary | 200 00 |
| | J. W. Pryor, salary | 120 00 |

| | |
|---|---|
| F. P. Anderson, salary | 200 00 |
| S. W. Mathews, salary | 120 00 |
| A. M. Miller, salary | 200 00 |
| P. Wernicke, salary | 200 00 |
| M. L. Pence, salary | 200 00 |
| J. P. Brooks, salary | 190 00 |
| A. S. McKenzie, salary | 170 00 |
| R. A. McKee, salary | 50 00 |
| J. L. Logan, salary | 120 00 |
| R. L. Blanton, salary | 130 00 |
| V. E. Muncy, salary | 90 00 |
| J. M. Davis, salary | 100 00 |
| J. R. Johnson, salary | 120 00 |
| A. R. Sawyer, salary | 100 00 |
| Jos. Dicker, salary | 50 00 |
| W. H. Kiler, salary | 83 33 |
| H. P. Bassett, salary | 15 00 |
| Miss M. Clark, salary | 15 00 |
| W. S. Webb, salary | 15 00 |
| J. A. Sharon, salary | 30 00 |
| W. L. Pennington, salary | 15 00 |
| A. R. Marshall, salary | 15 00 |
| S. G. McDonald, salary | 10 00 |
| O. F. Smith, salary | 10 00 |
| Miss Gertrude Sealy, salary | 15 00 |
| D. C. Frazee, salary | 12 50 |
| R. S. Bullock, salary | 8 33 |
| D. C. Frazee, petty cash account | 54 16 |
| Miss. M. Hodges, salary | 50 00 |
| Mrs. L. Blackburn, salary | 80 00 |
| Jas. Murray, salary | 39 00 |
| Thos, Aubrey, salary | 40 00 |
| R. A. Milligan, salary | 50 00 |
| John Smith, salary | 18 00 |
| Pier Whiteman, salary | 20 00 |
| Washington Ellis, salary | 20 00 |
| Armstead Mitchell, salary | 20 00 |
| Chas. Williams, salary | 5 00 |
| J. T. Friley, salary | 30 00 |
| E. A. Walden, salary | 40 00 |
| G. L. Barkley, salary | 40 00 |
| Charlie Turner, salary | 20 00 |
| D. C. Frazee, petty cash account | 27 85 |
| D. C. Frazee, student labor | 4 70 |
| The Review, advertising | 5 00 |
| Glasgow Republican, advertising | 5 00 |
| Hart County News, advertising | 5 00 |
| H. L. Humphrey, salary | 10 00 |

| | | |
|---|---|---|
| 11 | Thos. Todd, traveling expenses, trustees meeting .... | 14 85 |
| | B. W. Bradburn, traveling expenses, trustees meeting. | 18 62 |
| | McD. Ferguson, traveling expenses, trustees meeting.. | 31 20 |
| | R. W. Nelson, traveling expenses, trustees meeting... | 12 25 |
| | J. B. Kennedy, traveling expenses, trustees meeting.. | 6 55 |
| 12 | W. R. Ramsey, traveling expenses, trustees meeting.. | 15 00 |
| 14 | J. F. Hager, traveling expenses, trustees meeting.... | 10 25 |
| | H. S. Barker, traveling expenses, trustees meeting.... | 8 48 |
| | D. C. Frazee, excess in bank ..... | 22 50 |
| | J. T. Faig, salary ..... | 125 00 |
| | Milford White, salary ..... | 100 00 |
| | J. E. Winston, salary..... | 80 00 |
| | L. K. Frankel, salary..... | 80 00 |
| 14 | Kinkead Coal Co., coal..... | 499 16 |
| 18 | Miss Nettie Rodes, fees refunded..... | 10 00 |
| 19 | Chester M. Smith, trumpeter..... | 3 00 |
| | T. T. Jones, salary..... | 24 50 |
| | W. K. Patterson, salary..... | 150 00 |
| | F. P. Anderson, pay-roll, student labor..... | 45 58 |
| | R. C. Stoll, Jr., recording deed..... | 2 00 |
| | E. O. Hausburg, dial for time-clock..... | 1 50 |
| 20 | F. C. Elkins, postage..... | 15 00 |
| | Miss M. E. Mulligan..... | 3 65 |
| | Jas. Dalzell & Co., oil..... | 7 80 |
| | Consumers' Ice Co., ice..... | 7 90 |
| | C. F. Bronston, cards..... | 2 97 |
| | East Tenn. Tel. Co., toll..... | 40 |
| | E. P. Johnson, plumbing..... | 9 42 |
| | American Tool Works, tools..... | 1 50 |
| | Hugh O'Neil, shoeing mule..... | 1 00 |
| | Street R. Hay Co., subscriptions..... | 4 00 |
| | Engineering Magazine, subscription..... | 15 00 |
| | Queen City Supply Co., supplies..... | 50 |
| | Babcock & Wilcox, repairs on boiler..... | 60 30 |
| | American Society of Bound Copies..... | 42 00 |
| 23 | Ky. Sheerer Co., Books..... | 10 25 |
| | Columbia Spectator, adv.,..... | 5 00 |
| | Winchester Sun, adv..... | 5 00 |
| | Lex. Water Co., water..... | 64 01 |
| 28 | Membership Agric. Exper. College, fee..... | 15 00 |
| | Total ..... | $5,594 01 |

## RECEIPTS FOR THE MONTH OF JANUARY, 1902.

| | |
|---|---|
| Balance on hand January 1st | $17,991 31 |
| Received from student fees | 202 50 |
| Received from auditor, int. on bonds | 4,322 25 |
| Total | $22,516 06 |
| Total amount received in January | $22,516 06 |
| Total amount expended in January | 6,806 67 |
| Balance on hand February 1st | $15,709 39 |

## EXPENDITURES FOR THE MONTH OF JANUARY, 1902.

| Date 1902. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Jan. 2 | Jas. K. Patterson, salary | $275 00 |
| | J. G. White, salary | 200 00 |
| | J. H. Kastle, salary | 200 00 |
| | F. P. Anderson, salary | 200 00 |
| | A. M. Millier, salary | 200 00 |
| | J. P. Brooks, salary | 190 00 |
| | M. L. Pence, salary | 200 00 |
| | A. S. Mackenzie, salary | 170 00 |
| | C. W. Mathews, salary | 120 00 |
| | J. W. Pryor, salary | 120 00 |
| | J. T. Faig, salary | 125 00 |
| | A. R. Sawyer, salary | 100 00 |
| | L. K. Frankel, salary | 80 00 |
| | Jos. Dicker, salary | 50 00 |
| | P. Wernicke, salary | 200 00 |
| | J. H. Neville, salary | 200 00 |
| | R. L. Blanton, salary | 130 00 |
| | J. L. Logan, salary | 120 00 |
| | R. N. Roark, salary | 200 00 |
| | Milford White, salary | 100 00 |
| | W. K. Patterson, salary | 150 00 |
| | J. M. Davis, salary | 100 00 |
| | V. E. Muncy, salary | 90 00 |
| | Jas. E. Winston, salary | 80 00 |
| | W. H. Kiler, salary | 83 34 |
| | R. A. McKee, salary | 50 00 |
| | Miss Gertrude Sealey, salary | 15 00 |
| | D. C. Frazee, salary | 12 50 |
| | R. S. Bullock, salary | 8 34 |
| | D. F. Frazee, salary | 54 16 |

| | | |
|---|---|---|
| | Miss M. Hodges, salary | 50 00 |
| | Mrs. L. B. Blackburn | 80 00 |
| | Jas. Murray, salary | 39 00 |
| | Thos. Aubrey, salary | 40 00 |
| | R. A. Milligan, salary | 50 00 |
| | John Smith, salary | 18 00 |
| | Pier Whiteman, salary | 20 00 |
| | Washington Ellis, salary | 20 00 |
| | Armstead Mitchell, salary | 20 00 |
| | Charlie Williams, salary | 5 00 |
| | J. T. Friley, salary | 30 00 |
| | H. P. Bassett, salary | 15 00 |
| | Miss Mary Clark, salary | 15 00 |
| | W. S. Webb, salary | 15 00 |
| | J. A. Sharon, salary | 30 00 |
| | W. L. Humphrey, salary | 10 00 |
| | W. L. Pennington, salary | 15 00 |
| | A. R. Marshall, salary | 15 00 |
| | O. F. Smith, salary | 10 00 |
| | Chas. Turner, salary | 20 00 |
| | E. A. Walden, salary | 40 00 |
| | G. L. Barkley, salary | 40 00 |
| | F. C. Elkins, salary | 10 00 |
| | Farley Transfer Co., freight and cartage | 26 05 |
| 7 | D. C. Frazee, student labor | 15 33 |
| | D. C. Frazee, petty cash account | 18 03 |
| | F. C. Elkins, box rent | 1 00 |
| | Combs Lumber Co., lumber | 203 64 |
| | Consumers' Ice Co., ice | 4 80 |
| | J. R. Johnson, salary | 120 00 |
| | A. McDonald, salary | 10 00 |
| | Byrnes & Lewis, feed | 3 16 |
| | McAdams & Morford, chemicals | 1 00 |
| | Robt. Clarke Co., books | 2 55 |
| | Ramsey & Smith, sign painted | 1 50 |
| | Standard Oil Co., gasoline and oil | 102 35 |
| | W. S. Bradley, soap, brooms | 5 60 |
| 9 | Kinkead Coal Co., coal | 843 67 |
| | F. P. Anderson, student labor, Mech. Hall | 32 36 |
| | Phoenix Hotel Co., dinner for trustees | 3 75 |
| | Farmers' Home Journal, advertising | 18 00 |
| | Henry Holt, books | 2 03 |
| | A. Appleton & Co., books | 1 45 |
| | Bausch & Lomb Opt. Co., instruments | 66 52 |
| | Robt. Clarke Co., books | 13 44 |
| | Spencer Courier, advertising | 5 00 |
| | A. M. Miller, attending meeting of K. E. A | 7 60 |

| | | |
|---|---|---|
| | J. M. Byrnes, stationery | 18 79 |
| | W. T. Sharp, firing boilers | 1 50 |
| | T. B. Shely, repairs, batteries | 1 50 |
| | Woods' Pharmacy, chemicals | 3 00 |
| | Engineering News, advertising | 4 00 |
| | Jas. Rumsey, repairing cart | 17 00 |
| | E. Bitterman, repairing roof, etc | 108 96 |
| | John Hutchison, mops, etc | 7 95 |
| 11 | Smith, Watkins & Co., wire rope | 9 15 |
| | A. T. Thompson, supplies | 14 80 |
| | J. T. Vance, supplies | 15 83 |
| | W. E. McCann, lamps, etc | 16 50 |
| | C. D. Cunningham, paints, oil, etc | 9 10 |
| | D. C. Frazee, Wittinghill janitor | 7 36 |
| | Transylvania Co., supplies | 103 51 |
| | F. P. Anderson, pay-roll, student labor | 10 25 |
| | Lex. Plumbing Co., plumbing | 32 10 |
| | Lex. Railway Co., lights | 16 65 |
| | Lex. Hydraulic & Mfg. Co., water | 95 84 |
| | F. C. Elkins, postage | 21 00 |
| | Lex. Lumber Co., lumber | 140 06 |
| | J. K. Patterson, expenses to Frankfort | 3 90 |
| | Edison Mfg. Co., supplies | 42 00 |
| | Miss Sophia Guise, Gym. fee refunded | 5 00 |
| | C. H. Shaeffer, Gym. fee refunded | 5 00 |
| | Van Deren Hardware Co., supplies | 30 15 |
| | D. H. Beatty, making fences | 115 00 |
| | J. F. Hager, traveling expenses | 6 60 |
| | Green County Record, advertising | 5 00 |
| | Total | $6,806 67 |

**RECEIPTS FOR THE MONTH OF FEBRUARY, 1902.**

| | |
|---|---|
| Balance on hand February 1, 1902 | $15,709 39 |
| Received from student fees | 57 50 |
| Received from interest on deposits | 76 01 |
| Total | $15,842 90 |

| | |
|---|---|
| Total amount received in February | $15,842 90 |
| Total amount expended in February | 6,216 90 |
| Balance on hand March 1st | $9,626 00 |

## EXPENDITURES FOR THE MONTH OF FEBRUARY, 1902.

| Date 1902. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Feb. 1 | Jas. K. Patterson, salary | $275 00 |
| | J. H. Neville, salary | 200 00 |
| | P. Wernicke, salary | 200 00 |
| | R. L. Blanton, salary | 130 00 |
| | R. N. Roark, salary | 200 00 |
| | Milford White, salary | 100 00 |
| | W. K. Patterson, salary | 150 00 |
| | J. L. Logan, salary | 120 00 |
| | J. M. Davis, salary | 100 00 |
| | V. E. Muncy, salary | 90 00 |
| | J. E. Winston, salary | 80 00 |
| | J. H. Kiler, salary | 83 33 |
| | R. A. McKee, salary | 50 00 |
| | Miss Gertrude Sealy, salary | 15 00 |
| | Miss Florence Offutt, salary | 80 00 |
| | Jas. G. White, salary | 200 00 |
| | Jas. H. Kastle, salary | 200 00 |
| | A. M. Miller, salary | 200 00 |
| | M. L. Pence, salary | 200 00 |
| | A. S. MacKenzie, salary | 170 00 |
| | J. P. Brooks, salary | 190 00 |
| | J. W. Pryor, salary | 120 00 |
| | J. R. Johnson, salary | 120 00 |
| | John T. Faig, salary | 125 00 |
| | A. R. Sawyer, salary | 100 00 |
| | L. K. Frankel, salary | 80 00 |
| | H. P. Bassett, salary | 50 00 |
| | Miss M. Clark, salary | 15 00 |
| | W. S. Webb, salary | 13 00 |
| | J. A. Sharon, salary | 45 00 |
| | W. L. Pennington, salary | 15 00 |
| | H. L. Humphrey, salary | 10 00 |
| | A. B. Marshall, salary | 15 00 |
| | S. McDonald, salary | 10 00 |
| | O. F. Smith, salary | 10 00 |
| | R. S. Bullock, salary | 8 33 |
| | D. C. Frazee, salary | 12 50 |
| | D. C. Frazee, salary | 54 16 |
| | Miss M. Hodges, salary | 50 00 |
| | Mrs. L. B. Blackburn, salary | 80 00 |
| | Jas. Murray, salary | 40 50 |
| | Thos. Aubrey, salary | 40 00 |
| | R. A. Milligan, salary | 50 00 |

| | | |
|---|---|---|
| | John Smith, salary | 18 00 |
| | Pier Whiteman, salary | 20 00 |
| | Washington Ellis, salary | 20 00 |
| | Armstead Mitchell, salary | 25 00 |
| | Chas. Williams, salary | 5 00 |
| | J. T. Friley, salary | 30 00 |
| | E. A. Walden, salary | 40 00 |
| | G. L. Barkley, salary | 40 00 |
| | Charles Turner, salary | 25 00 |
| | D. C. Frazee, student labor, pay-roll | 10 04 |
| | C. M. Smith, trumpeter | 4 00 |
| | D. C. Frazee, petty cash account | 11 67 |
| | F. P. Anderson, student labor, mech. hall | 43 40 |
| | F. C. Elkins, postage | 21 00 |
| | Wm. Worthington, examining accounts | 9 20 |
| | Eimer & Amend, chemicals | 151 81 |
| | Gas. Engine Pub. Co., subscription | 1 00 |
| | Kinkead Coal Co., coal | 485 14 |
| | F. P. Anderson, salary | 200 00 |
| | C. W. Mathews, salary | 120 00 |
| 7 | Geo. B. Kinkead, expenses to Frankfort | 2 45 |
| | Garrett Wilson, hacks entertaining Legislature com | 40 00 |
| | Phoenix Hotel Co., entertaining Legislature com | 108 50 |
| | Combs Lumber Co., lumber | 64 15 |
| | S. Singer, Jr., books and file | 3 00 |
| | W. L. Pennington, salary | 30 00 |
| | Standard Oil Co., oil and gasoline | 57 38 |
| | David Williams, copying | 1 00 |
| | J. T. Friley, repair on lantern and key | 60 |
| | L. M. Prince, drawing instruments | 62 22 |
| | Queen City Supply Co., supplies | 42 36 |
| | T. B. Hay & Co., hardware | 5 05 |
| | East Tenn. Tel. Co., rental | 3 00 |
| | McAdams & Morford, borax | 1 00 |
| | J. M. Greenway, supplies | 27 07 |
| | L. des Cognets & Co., coke | 5 25 |
| | Van Deren Hdw. Co., hardware | 4 45 |
| | Engineering Magazine Co., subscription | 8 00 |
| | Electrician Pub. Co., subscription | 2 00 |
| | Electric World & Eng., subscription | 3 00 |
| | Lexington Plumbing Co., plumbing | 1 25 |
| | A. R. Sawyer, diagrams | 80 |
| | Marine Engineer, subscription | 2 00 |
| | Railroad Gazette, subscription | 4 20 |
| | Wood Pharmacy, hydrogen | 1 00 |
| | J. C. Berryman, one dozen brooms | 3 50 |
| | Wannus Hord Co., lantern slides | 9 50 |

| | | |
|---|---|---|
| | Racket Store, cotton | 1 00 |
| | T. B. Shely, electrical supplies | 4 50 |
| | F. F. Davis, duplicating Co., duplicator | 9 20 |
| | Wm. Curran, kindling | 5 00 |
| | E. P. Johnson, plumbing | 5 96 |
| | Chas. Stretinger, plain | 4 00 |
| | The America Crayon Co., chalk | 8 35 |
| | Wm. Purnell, supplies | 11 85 |
| | The Crimson, subscription | 6 25 |
| | J. M. Greenway, stationery, books | 13 20 |
| | Farley Trans. Co., frt. and dray | 6 35 |
| | Lex. Hyd. & Mfg. Co., water | 94 75 |
| | J. M. McCullough, books | 5 20 |
| | W. T. Sharp, firing boiler | 8 50 |
| | Bausch & Lomb Opt. Co., instruments | 1 00 |
| | D. Zittle, stone work | 4 68 |
| | University of Chicago Press, magazine | 4 00 |
| 14 | G. B. Sharp, incubator | 7 75 |
| | Queen & Co., X-ray tubes | 18 35 |
| | Phoenix Nat. Bank, N. Y. draft | 3 70 |
| | J. W. Pryor, balance on physical examination | 50 00 |
| 26 | I. S. Miller, refunded gym. and tuition fees | 20 00 |
| | S. S. Richison, refunded gym. fee | 5 00 |
| | Percy Sealy, refunded gym. and tuition fees | 7 50 |
| 27 | C. M. Smith, trumpeter | 4 00 |
| | F. C. Elkins, postage | 20 00 |
| | Total | $6,216 90 |

## RECEIPTS FOR THE MONTH OF MARCH, 1902.

| | |
|---|---|
| Balance on hand March 1st | $ 9,626 00 |
| Received student fees | 127 08 |
| Received Auditor, taxes | 16,070 11 |
| Total | $25,823 19 |
| Total amount received in March | $25,823 19 |
| Total amount expended in March | 7,029 52 |
| Balance on hand April 1st | $18,793 67 |

## EXPENDITURES FOR THE MONTH OF MARCH, 1902.

| Date 1902. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Mar. 1 | Jas. K. Patterson, salary | $275 00 |
| | P. Wernicke, salary | 200 00 |

| | |
|---|---|
| J. H. Neville, salary | 200 00 |
| R. N. Roark, salar | 200 00 |
| Milford White, salary | 100 00 |
| W. K. Patterson, salary | 150 00 |
| J. L. Logan, salary | 120 00 |
| J. M. Davis, salary | 100 00 |
| V. E. Muncy, salary | 90 00 |
| J. E. Winston, salary | 80 00 |
| W. H. Kiler, salary | 83 33 |
| Robt. McKee, salary | 50 00 |
| Miss Gertrude Sealy, salary | 15 00 |
| Miss Florence Offutt, salary | 80 00 |
| J. G. White, salary | 200 00 |
| J. H. Kastle, salary | 200 00 |
| F. P. Anderson, salary | 200 00 |
| A. M. Miller, salary | 200 00 |
| M. L. Pence, salary | 200 00 |
| J. P. Brooks, salary | 190 00 |
| A. S. Mackenzie, salary | 170 00 |
| C. W. Mathews, salary | 120 00 |
| J. W. Pryor, salary | 120 00 |
| J. R. Johnson, salary | 120 00 |
| J. T. Faig, salary | 125 00 |
| A. R. Sawyer, salary | 100 00 |
| L. K. Frankel, salary | 80 00 |
| Jos. Dicker, salary | 50 00 |
| H. P. Bassett, salary | 15 00 |
| W. S. Webb, salary | 15 00 |
| J. A. Sharon, salary | 45 00 |
| W. L. Pennington, salary | 15 00 |
| H. L. Humphrey, salary | 10 00 |
| A. R. Marshall, salary | 15 00 |
| S. M. McDonald, salary | 10 00 |
| O. F. Smith, salary | 10 00 |
| D. C. Frazee, salary | 66 66 |
| R. S. Bullock, salary | 8 33 |
| Miss M. Hodges, salary | 50 00 |
| Mrs. L. B. Blackburn, salary | 80 00 |
| Jas. Murray, salary | 36 00 |
| Thos. Aubrey, salary | 40 00 |
| R. A. Milligan, salary | 50 00 |
| John Smith, salary | 18 00 |
| Pier Whiteman, salary | 20 00 |
| Washington Ellis, salary | 20 00 |
| Armstead Mitchell, salary | 25 00 |
| Charlie Williams, salary | 5 00 |
| E. A. Walden, salary | 40 00 |
| G. L. Barkley, salary | 40 00 |

| | | |
|---|---|---|
| | Chas. Turner, salary | 25 00 |
| | D. C. Frazee, pay-roll, student labor | 13 03 |
| | D. C. Frazee, petty cash account | 17 15 |
| | A. K. Storms, music | 20 00 |
| | Jas. K. Patterson, expenses to Frankfort | 11 80 |
| | W. L. Pennington, teaching in February | 30 00 |
| | Jos. Woolfork, insurance | 22 40 |
| | R. L. Blanton, salary | 130 00 |
| | J. T. Friley, salary | 30 00 |
| | Miss M. E. Clark, salary | 15 00 |
| 3 | Wm. King, insurance | 44 80 |
| | Theo. Lewis & Son, insurance | 45 20 |
| | R. Arnspiger, insurance | 10 20 |
| | Fayette Home Tel. Co., rental | 4 50 |
| | W. S. Bradley, box soap | 2 00 |
| | T. B. Hay & Co., repairs | 60 |
| | E. H. Andrews Co., eraser | 5 00 |
| | Thos. Aubrey, extra work | 1 00 |
| | Warren Hord, lantern slides | 4 50 |
| | E. P. Johnson, plumbing | 53 99 |
| | Queen & Co., apparatus | 59 00 |
| | Kny-Sheerer Co., apparatus | 116 75 |
| | Robt. Clarke Co., books | 2 23 |
| | The Palmer Co., subscription | 4 50 |
| | Edison Mfg. Co., subscription | 4 04 |
| | F. C. Elkins, postage | 5 00 |
| | Lex. Lumber Co., lumber | 61 87 |
| | Moore Bros. Typewriter Co., typewriter | 44 10 |
| | C. S. Brent, seed | 8 60 |
| | Standard Electric Co., electrical supplies | 6 00 |
| | National Lead Pencil Co., supplies | 6 00 |
| | G. A. DeLong, insurance | 44 80 |
| 8 | Morning Democrat, advertising | 1 50 |
| | The MacMillan Co., books | 6 34 |
| | National Educational Association, subscription | 8 00 |
| | D. Appleton & Co., books | 1 31 |
| | L. M. Prince, drawing material | 7 31 |
| | Brilliant Light Co., oil | 1 95 |
| | C. S. Brent, seeds | 2 85 |
| | Kinkead Coal Co., coal | 832 97 |
| | Miss Gertrude Sealy, drawing | 25 00 |
| 17 | F. P. Anderson, student labor, Mech. Hall | 33 99 |
| | G. H. Sheriff, material for experiments | 2 50 |
| | Standard Oil Co., oil and gasoline | 53 33 |
| | Lexington Railway Co., light | 35 55 |
| | S. M. Brown, repairs | 14 00 |
| | F. C. Elkins, postage | 4 00 |
| | T. W. Gleason, apparatus | 62 12 |

| | | |
|---|---|---|
| | Geo. B. Kinkead, expenses to Frankfort | 15 30 |
| | Chas. Stoll Oil Co., oil | 32 02 |
| | W. K. Patterson, expenses to Frankfort | 25 14 |
| | Poer & Traliot, paints | 65 25 |
| | F. C. Elkins, postal guide | 2 50 |
| | R. W. Nelson, traveling expenses | 18 50 |
| | Standard Electric Co., electrical supplies | 446 71 |
| | J. T. Jones, music, Union Lit. Society | 10 00 |
| | T. J. Stevens, work in armory | 2 00 |
| | C. M. Smith, trumpeter, salary | 4 00 |
| 27 | F. C. Elkins, postage | 2 00 |
| | B. W. Frank, Gym. fee refunded | 5 00 |
| | F. L. Smith, student labor | 2 60 |
| | Jas. K. Patterson, traveling expenses | 4 40 |
| | Total | $7,029 50 |

## RECEIPTS FOR THE MONTH OF APRIL, 1902.

| | |
|---|---|
| Balance on hand April 1st | $18,793 67 |
| Received for sundries | 25 14 |
| Total | $18,818 81 |
| Expended in April | 8,337 49 |
| Balance on hand May 1st | $10,481 32 |

## EXPENDITURES FOR THE MONTH OF APRIL, 1902.

| Date 1902. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Apr. 1 | Jas. K. Patterson, salary | $275 00 |
| | P. Wernicke, salary | 200 00 |
| | J. H. Neville, salary | 200 00 |
| | R. L. Blanton, salary | 130 00 |
| | R. N. Roark, salary | 200 00 |
| | Milford White, salary | 100 00 |
| | W. K. Patterson, salary | 150 00 |
| | J. L. Logan, salary | 120 00 |
| | J. M. Davis, salary | 100 00 |
| | V. E. Muncy, salary | 90 00 |
| | J. E. Winston, salary | 80 00 |
| | W. H. Kiler, salary | 83 34 |
| | R. A. McKee, salary | 50 00 |
| | Miss Florence Offutt, salary | 80 00 |
| | J. G. White, salary | 200 00 |
| | J. H. Kastle, salary | 200 00 |

| | | |
|---|---|---|
| | F. Paul Anderson, salary | 200 00 |
| | A. M. Miller, salary | 200 00 |
| | M. L. Pence, salary | 200 00 |
| | J. P. Brooks, salary | 190 00 |
| | A. S. MacKenzie, salary | 170 00 |
| | C. W. Mathews, salary | 120 00 |
| | J. W. Pryor, salary | 120 00 |
| | J. R. Johnson, salary | 120 00 |
| | J. T. Faig, salary | 125 00 |
| | A. R. Sawyer, salary | 100 00 |
| | L. K. Frankel, salary | 80 00 |
| | Jos. Dicker, salary | 50 00 |
| | H. P. Bassett, salary | 15 00 |
| | Miss Mary Clark, salary | 15 00 |
| | W. S. Webb, salary | 15 00 |
| | J. A. Sharon, salary | 45 00 |
| | W. L. Pennington, salary | 15 00 |
| | A. R. Marshall, salary | 15 00 |
| | H. L. Humphrey, salary | 10 00 |
| | S. McDonald, salary | 10 00 |
| | D. C. Frazee, salary | 66 66 |
| | R. S. Bullock, salary | 8 34 |
| | Miss Mary Hodges, salary | 50 00 |
| | Mrs. L. B. Blackburn, salary | 80 00 |
| | Jas. Murray, salary | 39 00 |
| | Thos. Aubrey, salary | 40 00 |
| | R. A. Milligan, salary | 50 00 |
| | John Smith, salary | 18 00 |
| | Pier Whiteman, salary | 20 00 |
| | Washington Ellis, salary | 20 00 |
| | Armstead Mitchell, salary | 25 00 |
| | Charles Williams, salary | 5 00 |
| | J. T. Friley, salary | 30 00 |
| | E. A. Walden, salary | 40 00 |
| | G. L. Barkley, salary | 40 00 |
| | Charlie Turner, salary | 25 00 |
| | D. C. Frazee, student labor, pay-roll | 18 90 |
| | D. C. Frazee, petty cash account | 32 13 |
| | Jas. K. Patterson, traveling expenses | 19 15 |
| | F. C. Elkins, box rent | 1 00 |
| | R. W. Nelsin, traveling expenses | 8 75 |
| 7 | Spaulding Mfg. Co., gymnasium supplies | 1,000 00 |
| | Bain & Co., one dozen chairs | 6 00 |
| | Jas. P. Headley, insurance | 13 40 |
| | F. L. Smith, salary | 10 00 |
| | F. C. Elkins, postage | 25 00 |
| | Wm. Purnell, books | 17 95 |

| | | |
|---|---|---|
| | Brock & Co., repairs | 4 50 |
| | W. L. Pennington, student labor | 20 00 |
| | Kinkead Coal Co., coal | 477 90 |
| | S. M. Brown, carpenter work | 34 00 |
| | Lex. Lumber Co., lumber | 390 37 |
| | Van Deren Hdw. Co., hardware | 100 30 |
| | J. H. March, chairs | 38 25 |
| | Morning Herald, advertising | 1 50 |
| | Lex. Leader, advertising | 1 50 |
| | Imperial Brush Co., brushes | 34 00 |
| | Wm. Worthington, typewriting | 2 75 |
| | Standard Oil Co., gasoline and oil | 49 41 |
| | R. Arnspiger, insurance | 44 80 |
| | Thos. Aubrey, firing boiler at night | 2 00 |
| | J. W. Stoll, insurance | 22 50 |
| | Van Deren Hdw. Co., ax handle | 1 25 |
| | C. H. Harris | 2 40 |
| | J. C. Berryman, brooms and mops | 6 25 |
| 8 | J. H. Hansom, subscriptions | 9 80 |
| | E. Bitterman & Son, repairs | 32 90 |
| | Lex. Water Co., water | 230 65 |
| | Chamber of Commerce, subscription | 250 00 |
| | D. Van Nostrand Co., books | 1 28 |
| | L. B. Pride, firing boiler | 3 00 |
| | F. P. Anderson, student labor | 38 18 |
| 9 | Eimer & Amend, chemicals | 327 22 |
| | Lex. Plumbing Co., Plumbing | 68 69 |
| | Henry A. Dreer, seeds | 3 15 |
| | J. M. McCullough, flower pots | 8 00 |
| | Vaugh Seed Store, seed | 15 93 |
| | The American Architect, subscription | 6 00 |
| | Globe-Wernicke Co., supplies | 3 00 |
| | J. J. Fagan | 2 60 |
| | F. Weber & Co., supplies | 24 84 |
| | Railroad Gazette, subscription | 2 00 |
| | Queen City Supply Co., supplies | 42 88 |
| | American Machinist, subscription | 4 00 |
| | L. M. Prince, drawing material | 9 40 |
| | Edward Caldwell | 45 |
| | J. M. Greenway, books | 3 75 |
| | American Blackworth Co., advertising | 10 00 |
| | Jas. G. Biddle, advertising | 6 16 |
| | Engineering Magazine, advertising | 75 |
| | American Engineering | 2 00 |
| | E. P. Johnson, plumbing | 52 82 |
| | American Tool Co., tools | 1 75 |
| | Electrical Review, subscription | 2 50 |

| | | |
|---|---|---|
| | Poer & Traliot, paints | 19 80 |
| | Miss Bessie Smith, gym. fee refunded | 5 00 |
| | T. B. Hay & Co., lock and keys | 7 05 |
| | McClure & Bain, stationery | 14 15 |
| 14 | F. C. Elkins, stamps | 1 20 |
| | Wm. Robertson, repairs | 17 25 |
| | F. C. Elkins, stamps | 17 00 |
| | M. L. Pence, petty expenses | 2 69 |
| 19 | R. A. McKee, balance on salary | 25 00 |
| | McD. Ferguson, trustees' meeting | 28 35 |
| 25 | R. W. Nelson, trustees' meeting | 9 50 |
| | John McChord, trustees' meeting | 8 00 |
| | J. D. Turner, writing faculty report | 2 50 |
| | Total | $8,337 49 |

## RECEIPTS FOR THE MONTH OF MAY, 1902.

| | |
|---|---|
| Balance on hand May 1st | $10,481 32 |
| Received from student fees | 26 25 |
| Total | $10,507 57 |
| Total amount received in May | $10,507 57 |
| Total amount expended in May | 2,952 47 |
| Balance on hand June 1st | $7,555 10 |

## EXPENDITURES FOR THE MONTH OF MAY, 1902.

| Date. 1902. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| May 1 | F. P. Anderson, salary | $200 00 |
| | J. M. Davis, salary | 100 00 |
| | J. E. Winston, salary | 80 00 |
| | C. W. Mathews, salary | 120 00 |
| | J. W. Pryor, salary | 120 00 |
| | J. R. Johnson, salary | 120 00 |
| | J. Dicker, salary | 50 00 |
| | A. R. Sawyer, salary | 100 00 |
| | L. K. Frankel, salary | 80 00 |
| | Milford White, salary | 100 00 |
| | H. P. Bassett, salary | 15 00 |
| | Miss Mary Clark, salary | 15 00 |
| | W. S. Webb, salary | 15 00 |
| | J. A. Sharon, salary | 45 00 |
| | W. L. Pennington, salary | 15 00 |

| | | |
|---|---|---|
| | A. R. Marshall, salary | 15 00 |
| | H. L. Humphrey, salary | 10 00 |
| | A. McDonald, salary | 10 00 |
| | O. F. Smith, salary | 10 00 |
| | D. C. Frazee, salary | 66 66 |
| | Miss M. Hodges, salary | 50 00 |
| | R. S. Bullock, salary | 8 33 |
| | Mrs. L. B. Blackburn, salary | 80 00 |
| | Jas. Murray, salary | 39 00 |
| | Thos. Aubrey, salary | 40 00 |
| | R. A. Milligan, salary | 50 00 |
| | John Smith, salary | 18 00 |
| | Piere Whiteman, salary | 20 00 |
| | Washington Ellis, salary | 20 00 |
| | Armstead Mitchell, salary | 25 00 |
| | Charlie Williams, salary | 5 00 |
| | J. T. Friley, salary | 30 00 |
| | E. A. Walden, salary | 40 00 |
| | G. L. Barkley, salary | 40 00 |
| | Charles Turner, salary | 25 00 |
| | F. C. Elkins, postage | 20 00 |
| | D. C. Frazee, student labor | 28 56 |
| | D. C. Frazee, petty cash account | 35 32 |
| | C. M. Smith, trumpeter | 5 00 |
| | W. L. Pennington, salary | 10 00 |
| | Chas. Scribner & Son, books | 37 44 |
| | Houghton, Mifflin Co., books | 2 55 |
| | Chas. E. Larret Co., books | 2 82 |
| | The MacMillan Co., books | 12 91 |
| | Phoenix National Bank, foreign exchange | 11 16 |
| | Roy Hoping, supplies for zoology | 24 10 |
| | John M. Greenway, books | 23 75 |
| | W. M. Welch & Co., books | 2 40 |
| 2 | Kueffel & Esser Co., drawing material | 15 52 |
| | H. R. Rich & Co., drawing material | 14 50 |
| | F. Weber & Co., supplies | 22 93 |
| | Smith Premier Typewriter Co., ribbon | 1 50 |
| | McClure & Bronston, stationery | 5 00 |
| | Eimer & Amend, chemicals | 31 98 |
| | J. B. Marcum, trustees meeting | 19 10 |
| | F. P. Anderson, pay-roll, Mech. Hall | 37 12 |
| | S. G. McDonald, student labor | 14 00 |
| | C. F. Brower Co., chairs, etc | 10 85 |
| | The MacMillan Co., books | 1 58 |
| 12 | Miss Jennie Hansom, subscriptions | 30 19 |
| | J. W. Stoll, insurance | 35 00 |
| | Smith, Watkins & Co., hardware | 51 65 |

| | | |
|---|---|---|
| | Miss Florence Offutt, salary | 80 00 |
| | W. C. Bell, trustees meeting | 6 00 |
| 16 | East Tennessee Telephone Co., rental | 3 00 |
| | J. T. Faig, alumni association | 200 00 |
| | Standard Electric Co., electrical supplies | 4 97 |
| | Golding & Co., | 2 84 |
| | Queen City Supply Co., supplies | 1 25 |
| | American Tool Works, chisels | 3 00 |
| | Masters & Bean, paints | 6 20 |
| | Queen City Supply Co., supplies | 5 80 |
| | J. S. Poer & Co., paints | 19 15 |
| 12 | Jas. K. Patterson, traveling expense | 37 21 |
| | C. J. Norwood, traveling expense | 6 55 |
| | Phoenix Bank Draft, draft | 30 00 |
| | R. C. Stoll, traveling expenses | 69 50 |
| 26 | Fayette Telephone Co., rental | 4 50 |
| | F. C. Elkins, postage | 20 00 |
| | F. C. Elkins, postage | 37 00 |
| | C. M. Smith, trumpeter | 4 00 |
| | W. H. Kiler, salary | 83 33 |
| | Miss Wrenn Clay, lettering diplomas | 44 25 |
| | Total | $2,952 47 |

## RECEIPTS FOR THE MONTH OF JUNE, 1902.

| | |
|---|---|
| Balance on hand June 1, 1902 | $7,555 10 |
| Received from student fees | 5 00 |
| Total | $7,560 10 |
| Total amount received in June | $7,560 10 |
| Total amount expended in June | 14,141 58 |
| Overdrawn July 1, 1902 | $6,581 48 |

## EXPENDITURES FOR THE MONTH OF JUNE, 1902.

| Date. 1902. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| June 2 | H. P. Bassett, salary | $ 15 00 |
| | Miss M. E. Clark, salary | 15 00 |
| | W. S. Webb, salary | 15 00 |
| | J. A. Sharon, salary | 45 00 |
| | W. L. Pennington, salary | 15 00 |
| | A. R. Marshall, salary | 15 00 |
| | H. L. Humphrey, salary | 10 00 |

| | | |
|---|---|---|
| | S. McDonald, salary | 10 00 |
| | O. F. Smith, salary | 10 00 |
| | D. C. Frazee, salary | 66 66 |
| | R. S. Bullock, salary | 8 33 |
| | Miss Mary Hodges, salary | 50 00 |
| | Mrs. L. B. Blackburn, salary | 80 00 |
| | Jas. Murray, salary | 40 50 |
| | Thos. Aubrey, salary | 40 00 |
| | R. A. Milligan, salary | 50 00 |
| | John Smith, salary | 18 00 |
| | Pier Whiteman, salary | 20 00 |
| | Washington Ellis, salary | 20 00 |
| | Armstead Mitchell, salary | 25 00 |
| | Charley Williams, salary | 5 00 |
| | J. T. Friley, salary | 30 00 |
| | E. A. Walden, salary | 40 00 |
| | G. L. Barkley, salary | 40 00 |
| | Charlie Turner, salary | 25 00 |
| | D. C. Frazee, petty cash account | 58 09 |
| | W. H. Warder, student labor | 14 24 |
| | Henry S. Barker, expenses trustees' meeting | 11 55 |
| | F. B. Anderson, pay-roll, student labor | 45 62 |
| | E. E. Evans, class day expenses | 50 00 |
| | McD. Ferguson, expenses to trustees' meeting | 35 15 |
| | C. Grady, officer | 15 00 |
| | Eugene Gilliland, officer | 20 00 |
| | Wm. Lyne, officer | 20 00 |
| | W. G. Campbell, officer | 25 00 |
| | D. C. Donan, officer | 20 00 |
| | Glen Mason, officer | 25 00 |
| | A. F. Crider, officer | 20 00 |
| | J. C. Berry, officer | 25 00 |
| | T. E. Warnock, officer | 25 00 |
| | H. W. Alexander, officer | 7 50 |
| | T. J. Barr, officer | 20 00 |
| | J. L. Stoner, officer | 20 00 |
| | H. A. Hoeing, officer | 25 00 |
| 7 | J. H. Kehoe, officer | 25 00 |
| | Col. R. W. Nelson, expenses to trustees' meeting | 16 75 |
| | J. F. Hager, expenses to trustees' meeting | 17 60 |
| | M. M. Clay, officer | 20 00 |
| | O. F. Smith, salary | 10 00 |
| | W. L. Pennington, salary | 15 00 |
| | A. R. Marshall, salary | 15 00 |
| | W. S. Webb, salary | 15 00 |
| | W. L. Pennington, student labor | 10 00 |
| | John McChord, expenses to trustees' meeting | 22 20 |
| 10 | S. W. Martin, officer | 25 00 |

| | | |
|---|---|---|
| | S. McDonald, salary | 10 00 |
| | J. C. Willis, entertaining teachers | 100 00 |
| 11 | Jas. K. Patterson, salary, three months | 825 00 |
| | P. Wernicke, salary, three months | 600 00 |
| | D. C. Maddox, salary, three months | 15 00 |
| | J. H. Neville, salary, three months | 600 00 |
| | R. L. Blanton, salary, three months | 390 00 |
| | Milford White, salary, two months | 200 00 |
| | W. K. Patterson, salary, three months | 450 00 |
| | R. N. Roark, salary, three months | 600 00 |
| | J. L. Logan, salary, three months | 360 00 |
| | J. M. Davis, salary two months | 200 00 |
| | V. E. Muncy, salary, three months | 270 00 |
| | J. E. Winston, salary, two months | 160 00 |
| | W. H. Kiler, salary, two months | 166 67 |
| | Miss Florence Stout, salary, one month | 80 00 |
| | Jas. G. White, salary, three months | 600 00 |
| | J. H. Kastle, three months | 600 00 |
| | F. P. Anderson, salary, two months | 400 00 |
| | A. M. Miller, salary, three months | 600 00 |
| | M. L. Pence, salary, three months | 600 00 |
| | J. P. Brooks, salary, three months | 570 00 |
| | A. S. Mackenzie, salary, three months | 510 00 |
| | J. W. Pryor, salary, two months | 240 00 |
| | C. W. Mathews, salary, 2 months | 240 00 |
| | J. R. Johnson, salary, two months | 240 00 |
| | J. T. Faig, salary, three months | 375 00 |
| | A. R. Sawyer, salary, two months | 200 00 |
| | L. K. Frankel, salary, two months | 160 00 |
| | Jos. Dicker, salary, two months | 100 00 |
| | W. T. Fonler, expenses trustees' meeting | 32 50 |
| | F. C. Elkins, postage | 10 00 |
| 23 | H. L. Humphrey, salary | 10 00 |
| | J. G. White, part pay on telescope | 150 00 |
| | E. O. Kidd, music for commencement | 25 00 |
| | Farley Transfer Co., freight and drayage | 22 52 |
| | A. H. Andrews & Co., books | 35 75 |
| | John M. Greenway, dictionary, etc | 32 88 |
| | H. C. Neal, fixtures | 5 60 |
| | Elmer & Amend, chemicals | 60 47 |
| | Chicago Lab. Supply Co., apparatus | 1 29 |
| | Barnes & Hall, chemicals | 25 32 |
| | Keuffel & Esser Co., drawing material | 26 68 |
| | L. M. Prince, drawing material | 78 43 |
| | Holtzer Cabot Electric Co., electrical supplies | 62 40 |
| | Engineering Review, subscription | 1 00 |
| | Standard Oil Co., gasoline | 1 15 |
| | J. M. Greenway, books | 4 25 |

| | | |
|---|---|---|
| | Barnes & Hall, drugs | 5 95 |
| | Uranus Hord, lantern slide | 7 00 |
| | Lexington Lumber Co., lumber | 12 97 |
| | Jas. M. Byrnes, stationery | 5 80 |
| | Lexington Leader, 50 copies | 2 50 |
| | F. C. Elkins, postage | 20 00 |
| | E. P. Johnson, plumbing | 1 83 |
| | Longmann, Green Co., books | 2 56 |
| | R. Arnspiger, insurance | 39 20 |
| | American Blacksmith, subscription | 1 00 |
| | J. S. Poer & Co., paints | 16 55 |
| | Chas. Scribner & Sons, books | 7 27 |
| | John McChord, expenses trustees' meeting | 4 00 |
| | Fred Heintz, repairing clock | 60 |
| | J. H. Kastle, salary | 70 |
| | J. A. Sharon, salary | 45 00 |
| 24 | American Type Foundry Co., supplies | 2 54 |
| | Oelschaeger Bro., supplies | 19 50 |
| | H. H. Hill, supplies | 8 75 |
| | Pettibone Bros, banner | 43 65 |
| | Barnes & Hall chemicals | 1 65 |
| | W. C. Bell, expenses trustees meeting | 8 26 |
| | H. P. Bassett, salary | 15 00 |
| | C. F. Brower & Co., fixtures | 21 94 |
| | Charles Scribner & Son, books | 2 40 |
| | Van Deren Hardware Co., axe | 80 |
| | F. Weber & Co., supplies | 15 02 |
| | C. F. Brower & Co., furniture | 13 53 |
| | Lexington Water Co., water | 134 87 |
| | Nichols Engineering Co., supplies | 5 00 |
| | Keuffel & Esser Co., drawing material | 33 48 |
| 30 | Student Traveling Expenses, 122 students | 1,158 25 |
| | Miss M. E. Clark, salary | 15 00 |
| | D. C. Frazee, current expenses | 41 30 |
| | J. B. Marcum, expenses trustees meeting | 7 80 |
| | A. McDonald, salary | 10 00 |
| | Total | $14,141 48 |

## SUMMARY OF THE RECEIPTS AND EXPENDITURES FOR THE YEAR 1901-1902.

### Receipts.

| | | |
|---|---|---|
| | Balance on hand July 1st | $ 1,287 85 |
| | Received in July | 14,424 31 |
| | Received in August | 11,387 50 |
| | Received in September | 3,177 50 |
| | Received in October | 391 27 |
| | Received in November | 42 25 |
| | Received in December | 20,623 00 |
| 1902. | | |
| | Received in January | $ 4,524 75 |
| | Received in February | 133 51 |
| | Received in March | 16,197 19 |
| | Received in April | 25 14 |
| | Received in May | 26 25 |
| | Received in June | 5 00 |
| | Total | $72,245 52 |

### Expenditures.

| | | | |
|---|---|---|---|
| | Expended in July | $10,328 68 | |
| | Expended in August | 4,259 50 | |
| | Expended in September | 912 44 | |
| | Expended in October | 5,870 35 | |
| | Expended in November | 6,357 39 | |
| | Expended in December | 5,614 01 | |
| 1902. | | | |
| | Expended in January | 6,806 67 | |
| | Expended in February | 6,216 90 | |
| | Expended in March | 7,029 52 | |
| | Expended in April | 8,337 49 | |
| | Expended in May | 2,952 47 | |
| | Expended in June | 14,141 58 | |
| | | $78,827 00 | |
| | Overdrawn July 1, 1901 | | $ 6,581 48 |
| | Total | | $78,827 00 |
| | Overdrawn July 1, 1902 | | $ 6,581 48 |

## COLLEGIATE YEAR 1902-1903.

### Faculty.

| | Faculty assistants and employes with salaries. | By whom appointed. |
|---|---|---|
| James K. Patterson, President, Professor of History, Political Economy and Metaphysics | $3,300 00 | Bd. Trus. |
| James G. White, Professor of Mathematics and Astronomy | 2,000 00 | " " |
| J. H. Neville, Vice-President, Professor of Greek and Latin | 2,000 00 | " " |
| W. K. Patterson, Principal of the Academy | 1,500 00 | " " |
| J. H. Kastle, Professor of Chemistry | 2,000 00 | " " |
| Ruric N. Roark, Principal of the Normal School | 2,000 00 | " " |
| J. W. Pryor, Professor of Anatomy and Physiology | 1,500 00 | " " |
| F. P. Anderson, Professor of Mechanical Engineering | 2,000 00 | " " |
| C. W. Mathews, Professor of Botany, Horticulture and Agriculture | 2,000 00 | " " |
| A. M. Miller, Professor of Geology and Zoology | 2,000 00 | " " |
| M. L. Pence, Professor of Physics | 2,000 00 | " " |
| Paul Wernicke, Professor of Modern Languages | 2,000 00 | " " |
| J. P. Brooks, Professor of Civil Engineering | 2,000 00 | " " |
| A. S. Mackenzie, Professor of English, Literature and Logic | 1,800 00 | " " |
| C. J. Norwood, Professor of Mining Engineering | (Paid by State.) | |
| J. T. Faig, Professor of Machine Design | 1,400 00 | " " |
| G. L. Byroade, Commandant | (Paid by U. S. Gov.) | |

### Assistants.

| | | |
|---|---|---|
| J. L. Logan, Asst. in Academy | $1,200 00 | Bd. Trus. |
| J. R. Johnson, Asst. in Mathematics | 1,200 00 | " " |
| R. L. Blanton, Asst. Professor of Greek and Latin | 1,300 00 | " " |
| J. M. Davis, Asst. in Academy | 1,100 00 | " " |
| L. K. Frankel, Asst. in Mechanical Engineering | 900 00 | " " |
| J. E. Winston, Asst. in Academy | 900 00 | " " |
| Milford White, Asst. in Normal School | 1,200 00 | " " |
| V. E. Muncy, Asst. in Academy | 1,000 00 | " " |
| A. R. Sawyer, Asst. in Electrical Engineering | 1,100 00 | " " |
| G. L. Barclay, Asst. in Experimental Engineering | 480 00 | " " |
| Joseph Dicker, Asst. in Mechanical Engineering | 600 00 | " " |
| A. G. Spillman, Asst. Inspector of Mines | (Paid by State.) | |

| | | |
|---|---|---|
| V. E. Muncy, Free Hand Drawing | 150 00 | President. |
| L. M. Schuler, Asst. in Wood Shop | 480 00 | " |
| T. T. Jones, Asst. in Classics and Mathematics | 675 00 | " |
| Miss F. G. Offutt, Physical Director | 800 00 | Bd. Trus. |
| W. W. H. Mustaine, Physical Director | 1,000 00 | " " |
| A. F. Krider, Fellow and Asst. in Geology | 150 00 | President. |
| D. C. Donan, Fellow and Asst. in Pedagogy | 250 00 | " |
| Clyde Grady, Fellow and Asst. in English | 250 00 | " |
| G. F. Mason, Fellow and Asst. in Chemistry | 150 00 | " |
| T. E. Warnock, Fellow and Asst. in Mechanical Engineering | 150 00 | " |
| Cora Williams, Fellow and Asst. in Botany | 150 00 | " |
| H. J. Clo, Fellow and Asst. in Physics | 100 00 | " |
| Elias Elvove, Fellow and Asst. in Chemistry | 100 00 | " |
| T. F. Finneran, Asst. in Civil Engineering | 100 00 | " |
| Bessie F. Monson, Asst. in Pedagogy | 150 00 | " |
| E. E. Ramey, Asst. in Mechanical Engineering | 480 00 | " |

**Other Officers and Employes.**

| | | |
|---|---|---|
| Mrs. L. B. Blackburn | $ 800 00 | Bd. Trus. |
| Miss Mary Hodges, Stenographer | 600 00 | President. |
| D. C. Frazee, Business Agent | 1,200 00 | Bd. Trus. |
| James Murray | 480 00 | " " |
| Thos. Aubrey | 400 00 | " " |
| R. A. Milligan | 700 00 | " " |
| John Smith | 216 00 | President. |
| Chas. Turner | 250 00 | " |
| Armstead Mitchell | 250 00 | " |
| Chas. Williams | 60 00 | " |
| Pier Whiteman | 200 00 | " |
| Major Bullock | 100 00 | Bd. Trus. |
| Mrs. Jones | 300 00 | " " |
| E. B. Sadler | 100 00 | President. |
| Jane T. Watson | 100 00 | " |
| Wash Ellis | 220 00 | " |

**RECEIPTS FOR THE MONTH OF JULY, 1902.**

| | | |
|---|---|---|
| Received from student, damages | | $68 77 |
| Overdrawn July 1st | $6,581 48 | |
| Expended in July | 1,354 85 | $7,936 33 |
| Overdrawn August 1st | | $7,867 36 |

## EXPENDITURES FOR THE MONTH OF JULY, 1902.

| Date. 1902. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| July 1 | D. C. Frazee, salary | $66 66 |
| | R. S. Bullock, salary | 8 34 |
| | Miss M. Hodges, salary | 50 00 |
| | R. A. Milligan, salary | 50 00 |
| | Thos. Aubrey, salary | 40 00 |
| | Jas. Murray, salary | 37 50 |
| | John Smith, salary | 18 00 |
| | Mrs. L. B. Blackburn, salary | 80 00 |
| | Pier Whiteman, salary | 10 00 |
| | Washington Ellis, salary | 20 00 |
| | Armstead Mitchell, salary | 25 00 |
| | Charlie Williams, salary | 5 00 |
| | J. T. Friley, salary | 30 00 |
| | E. A. Walden, salary | 40 00 |
| | H. L. Barkley, salary | 40.00 |
| | Charley Turner, salary | 12 50 |
| | D. C. Frazee, petty cash account | 28 12 |
| | D. C. Frazee, student labor | 20 00 |
| | F. C. Elkins, postage | 1 00 |
| | E. G. Kelly, student, traveling expenses | 20 80 |
| | Kinkead Coal Co., coal | 230 43 |
| | Mose Kaufman, balance on J. R. Seath claim | 99 35 |
| | Wm. Worthington, stenographer | 129 70 |
| | F. C. Elkins, postage | 21 00 |
| | Jas. K. Patterson, traveling expenses | 53 45 |
| | S. M. Brown, carpenter work | 15 00 |
| | Frank Corbin, repairs | 203 00 |
| | Total | $1,354 85 |

## RECEIPTS FOR THE MONTH OF AUGUST, 1902.

| | | |
|---|---|---|
| Received from the United States Government | | $21,375 00 |
| Received from other sources | | 11 00 |
| Total | | $21,386 00 |
| Total amount received in August | | $21,386 00 |
| Total amount expended | $1,272 87 | |
| Overdrawn August 1st | 7,867 36 | |
| | | 9,140 23 |
| Balance on hand August 1st | | $12,245 77 |

## EXPENDITURES FOR THE MONTH OF AUGUST, 1902.

| Date. 1902. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Aug. 1 | Jas. K. Patterson, salary | $275 00 |
| | Jos. Dicker, salary | 50 00 |
| | D. C. Frazee, salary | 66 66 |
| | Miss M. Hodges, salary | 50 00 |
| | Jas. Murray, salary | 40 50 |
| | Thos. Aubrey, salary | 40 00 |
| | John Smith, salary | 20 00 |
| | J. T. Friley, salary | 30 00 |
| | R. A. Milligan, salary | 58 33 |
| | E. A. Walden, salary | 40 00 |
| | Miss Mary Mulligan, salary | 25 00 |
| | H. L. Barkley, salary | 40 00 |
| | D. C. Frazee, petty cash account | 12 03 |
| | D. C. Frazee, pay-roll, student labor | 52 70 |
| | Siege Sasaski, laborer | 10 60 |
| | Miss Mary Mulligan, salary, June | 18 00 |
| 8 | F. C. Elkins, postage | 15 00 |
| | S. M. Brown, carpenter work | 52 00 |
| 13 | Standard Oil Co., oil and gasoline | 86 35 |
| | Lex. Hyd. & Mfg. Co., water | 135 67 |
| | F. C. Elkins, postage | 20 00 |
| 23 | Mrs. Anna B. Jones, typewriting | 15 00 |
| 25 | F. C. Elkins, postage | 5 00 |
| | R. S. Bullock, salary | 8 33 |
| | F. C. Elkins, postage deposit on 3d class | 65 00 |
| 26 | R. W. Nelson, traveling expenses | 18 50 |
| | B. W. Bradburn, traveling expenses trustees' meeting | 16 00 |
| 30 | John McChord, traveling expenses trustees' meeting | 7 00 |
| | Total | $1,272 67 |

## RECEIPTS FOR THE MONTH OF SEPTEMBER, 1902.

| | |
|---|---|
| Balance on hand September 1st | $12,245 77 |
| Received from student fees | 3,495 50 |
| Total | $15,741 27 |
| Total amount received in September | $15,741 27 |
| Total amount expended in September | 1,167 79 |
| Balance on hand October 1st | $14,573 48 |

## EXPENDITURES FOR THE MONTH OF SEPTEMBER, 1902.

| Date. 1902. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Sept. 2 | R. A. Milligan, salary | $ 58 33 |
| | Lexington Water Co., water | 69 20 |
| | Jas. K. Patterson, salary | 275 00 |
| | Jos. Dicker, salary | 50 00 |
| | D. C. Frazee, salary | 66 66 |
| | R. S. Bullock, salary | 8 33 |
| | Miss M. Hodges, salary | 50 00 |
| | Jas. Murray, salary | 39 00 |
| | Thos. Aubrey, salary | 40 00 |
| | John Smith, salary | 20 00 |
| | J. T. Friley, salary | 30 00 |
| | R. A. Milligan, salary | 50 00 |
| | E. A. Walden, salary | 40 00 |
| | Miss Mary Mulligan, salary | 25 00 |
| | H. L. Barkley, salary | 40 00 |
| | Chas. Williams, salary | 5 00 |
| | D. C. Frazee, petty expenses | 84 23 |
| | D. C. Frazee, student labor | 70 00 |
| | F. C. Elkins, postage | 20 00 |
| 16 | Miss Nettie Rodes, Philosophian Society | 10 00 |
| | First National Bank, draft | 10 20 |
| | J. M. Offutt, clerical work | 6 40 |
| | J. D. Turner, pen work | 15 00 |
| | F. C. Elkins, stamps | 20 38 |
| | Standard Oil Co., oil and gasoline | 29 01 |
| | L. E. Pierce, verifying addition of Bk. book | 2 00 |
| | Courier-Journal Co., diplomas | 76 00 |
| | Jos. Dicker, night work | 6 75 |
| | J. B. Spake, student traveling expenses | 1 30 |
| | Total | $1,167 79 |

## RECEIPTS FOR THE MONTH OF OCTOBER, 1902.

| | |
|---|---|
| Balance on hand October 1, 1902 | $14,573 48 |
| Received from Auditor, interest on bonds | 4,,322 25 |
| Received from student fees | 190 80 |
| Total | $19,086 53 |
| Total amount received in October | $19,086 53 |
| Total amount expended in October | 12,572 15 |
| Balance on hand November 1st | $6,514 38 |

## EXPENDITURES FOR THE MONTH OF OCTOBER, 1902.

| Date. 1902. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Oct. 1 | Jas. K. Patterson, salary | $275 00 |
| | J. H. Neville, salary | 200 00 |
| | R. L. Blanton, salary | 130 00 |
| | R. N. Roark, salary | 200 00 |
| | Milford White, salary | 120 00 |
| | W. K. Patterson, salary | 150 00 |
| | J. L. Logan, salary | 120 00 |
| | J. M. Davis, salary | 110 00 |
| | V. E. Muncy, salary | 100 00 |
| | J. E. Winston, salary | 90 00 |
| | W. W. H. Mustaine, salary | 80 00 |
| | Miss Florence O. Stout, salary | 80 00 |
| | Miss Florence O. Stout, salary | 80 00 |
| | Jas. G. White, salary | 200 00 |
| | J. H. Kastle, salary | 200 00 |
| | F. P. Anderson, salary | 200 00 |
| | A. M. Miller, salary | 200 00 |
| | M. L. Pence, salary | 200 00 |
| | J. P. Brooks, salary | 200 00 |
| | A. S. Mackenzie, salary | 180 00 |
| | C. W. Mathews, salary | 200 00 |
| | J. W. Pryor, salary | 150 00 |
| | J. R. Johnson, salary | 120 00 |
| | J. T. Faig, salary | 140 00 |
| | A. R. Sawyer, salary | 110 00 |
| | L. K. Frankel, salary | 90 00 |
| | Jos. Dicker, salary | 50 00 |
| | R. S. Bullock, salary | 8 34 |
| | D. C. Frazee, salary | 100 00 |
| | Miss M. Hodges, salary | 50 00 |
| | Mrs. L. B. Blackburn, salary | 80 00 |
| | Jas. Murray, salary | 39 00 |
| | Thos. Aubrey, salary | 40 00 |
| | R. A. Milligan, salary | 58 34 |
| | John Smith, salary | 18 00 |
| | Pier Whiteman, salary | 20 00 |
| | Washington Ellis, salary | 20 00 |
| | Armstead Mitchell, salary | 25 00 |
| | Charley Williams, salary | 5 00 |
| | J. T. Friley, salary | 30 00 |
| | E. A. Walden, salary | 40 00 |
| | H. L. Barkley, salary | 40 00 |
| | Charley Turner, salary | 25 00 |

| | | |
|---|---|---|
| | D. C. Frazee, balance on salary July and August.... | 66 68 |
| | Miss Mary Mulligan, balance on salary, July and Aug.. | 25 00 |
| | D. C. Frazee, pay-roll, student labor ..... | 35 20 |
| | D. C. Frazee, petty cash account ..... | 36 85 |
| | F. C. Elkins, postoffice rent..... | 1 00 |
| | W. H. Kiler, traveling expenses ..... | 10 07 |
| | Lewis D. Sampson, advertising ..... | 5 00 |
| | Kentucky Advocate, advertising ..... | 5 00 |
| | Owensboro Messenger, advertising ..... | 5 00 |
| | The Sun Publishing Co., advertising ..... | 5 00 |
| | E. S. Furguson, advertising ..... | 5 00 |
| | Local Publishing Co., advertising ..... | 5 00 |
| | Jaskson Hustler, advertising ..... | 5 00 |
| | Winchester Sun, advertising ..... | 5 00 |
| | Southern School Journal, advertising ..... | 10 00 |
| | Columbia Spectator, advertising ..... | 5 00 |
| | The Crimson, advertising..... | 6 25 |
| | Lexington Leader, advertising ..... | 5 00 |
| 3 | Glasgow Republican, advertising..... | 5 00 |
| | Georgetown Times, advertising ..... | 5 00 |
| | The Mountain Echo, advertising ..... | 5 00 |
| | Interior Journal, advertising ..... | 5 00 |
| | Semi-Weekly Progress, advertising ..... | 5 00 |
| | Jessamine Journal, advertising ..... | 5 00 |
| | Home Farm Publishing Co., advertising ..... | 10 00 |
| | Mayfield Weekly Monitor , advertising ..... | 5 00 |
| | The Pantagraph, advertising ..... | 5 00 |
| | The Democrat Publishing Co., advertising ..... | 5 00 |
| | Hopkinsville Kentuckian, advertising ..... | 5 00 |
| | E. C. Smith Publishing Co., advertising ..... | 5 00 |
| | Commonwealth Publishing Co., advertising ..... | 5 00 |
| | The Pendletonian, advertising ..... | 5 00 |
| | Herald Ledger Co., advertising ..... | 5 00 |
| | Louisville Courier-Journal Co. advertising ..... | 35 00 |
| | The Harrodsburg Democrat, advertising ..... | 5 00 |
| | The Somerset Journal, advertising ..... | 5 00 |
| | Woodford Sun, advertising ..... | 5 00 |
| | Public Ledger, advertising ..... | 5 00 |
| | The Review, advertising ..... | 5 00 |
| | Farmers' Home Journal, advertising..... | 15 00 |
| | Monticello Courier, advertising ..... | 5 00 |
| | S. M. Brown, carpenter work ..... | 28 00 |
| | S. C. Saunier, iron work ..... | 256 35 |
| | Lohmann Bros., books ..... | 100 00 |
| | Miss Nancy Buford, gymnasium fee, refunded ..... | 5 00 |
| | C. R. Smith, salary ..... | 15 00 |
| | T. T. Jones, salary ..... | 67 50 |

| | | |
|---|---|---|
| | Miss Cora Williams, salary | 15 00 |
| | Clyde Grady, salary | 25 00 |
| | C. F. Mason, salary | 15 00 |
| | D. C. Donan, salary | 15 00 |
| | T. E. Warnock, salary | 15 00 |
| | T. T. Finnerian, salary | 10 00 |
| | Harry Clo, salary | 10 00 |
| | Elias Elvove, salary | 10 00 |
| | F. C. Elkins, postage | 25 00 |
| | Eugéne Gilliland, work in armory | 14 10 |
| 11 | F. P. Anderson, traveling expenses | 19 45 |
| | H. W. Weisbrodt, stationery, etc. | 13 75 |
| | E. A. Gullion, advertising | 5 00 |
| | Spaulding Manufacturing Co., gymnasium supplies | 1,064 67 |
| 14 | Princeton Banner, advertising | 5 00 |
| | McD. Furguson, expenses, trustees meeting | 36 60 |
| | F. P. Andreson, pay-roll, student labor | 55 43 |
| | H. H. Urmston, pay-roll, student labor | 8 65 |
| 17 | Jas. K. Patterson, traveling expenses | 29 17 |
| | L. Royalty, insurance | 20 40 |
| | F. C. Elkins, postage | 20 00 |
| | W. H. Kiler, traveling expenses | 10 65 |
| | M. L. Prince, petty cash account | 10 00 |
| | Lexington Hydraulic & Manufacturing Co., water | 90 09 |
| | Eugene Deitzgen, drawing supplies | 71 07 |
| | A. T. Thompson, supplies, Min. Eng. | 135 80 |
| | Warnus Hord, apparatus | 97 20 |
| | Miss M. G. Clay, lettering diplomas | 12 00 |
| | Ramsey & Smith, sign painting | 5 00 |
| | C. R. Smith, military | 2 66 |
| | J. W. Norwood, petty cash account, M. E. Dept. | 13 00 |
| 27 | G. A. Delong, insurance | 67 20 |
| | G. B. Kinkead Coal Co., coal | 44 80 |
| | Melton & Irvine, plumbing | 33 00 |
| | W. P. Cochran & Co., insurance | 44 80 |
| | R. Arnspiger, insurance | 142 40 |
| | Lexington Railway Co., wiring Gym. Bldg | 369 84 |
| | Smith Premier Typewriter Co., typewriter | 75 00 |
| | Louis des Cognets & Co., coal | 22 81 |
| | J. P. Morton & Co., printing catalogues | 568 00 |
| | W. F. Proctor, apparatus | 22 21 |
| | Wagnor Electric Co., apparatus | 190 00 |
| | George Land, sand and cement | 2 00 |
| | W. F. Pate | 10 00 |
| | Kinkead Coal Co., coal | 69 06 |
| | Byrnes & Lewis, feed | 23 51 |
| | D. A. Piatt | 8 00 |

| | | |
|---|---|---|
| | John Faig, harness | 3 60 |
| | J. R. Johnson, traveling expenses | 2 45 |
| | Milford White, traveling expenses | 12 85 |
| | Wm. Robertson, brick work | 11 00 |
| | John Hutchison, brooms and mops | 7 75 |
| | W. S. Webb, officer | 20 00 |
| | J. M. Hansom, subscription | 5 96 |
| | Brinley & Co., supplies for zoology | 3 85 |
| | Gentry Bros. | 13 00 |
| | A. Traliot, paints | 62 35 |
| | C. W. Mathews, student damages | 27 50 |
| | Bausch & Lomb Opt. Co., apparatus | 6 52 |
| | Wm. Gaertner & Co., books | 27 10 |
| | Miss M. G. Clay, engraving | 6 00 |
| | S. R. VanDyke, brick work | 2 00 |
| | W. B. Wilkerson, insurance | 22 40 |
| | A. Traliot, paints, etc | 34 00 |
| | W. King & Co., insurance | 44 80 |
| | H. P. Kinkead, insurance | 44 80 |
| | Geo. S. Shanklin, attorney | 50 00 |
| 28 | C. F. Brower & Co., trustees' room | 818 65 |
| | Fayette Tel. Co., rentals | 4 50 |
| | Golding Co., supplies | 51 28 |
| | Standard Oil Co., oil and gasoline | 11 85 |
| | H. C. Neal, supplies | 60 80 |
| | J. A. Hess Electric Co., electrical supplies | 85 75 |
| | G. B. Sharp, supplies for zoology | 3 50 |
| | Grasselli Chem. Co., chemicals | 22 06 |
| | A. H. Andrews Co., crayons | 6 00 |
| | W. S. Bradley, broom and mops | 12 65 |
| | A. M. Miller, traveling expenses | 24 89 |
| | J. A. Hess, Electrical Co., electrical supplies | 9 00 |
| | American Machinist, subscription | 12 50 |
| | Globe-Wernicke Co., card file | 4 50 |
| | Master & Bean, painting | 64 64 |
| | Queen City Supply Co., supplies | 473 64 |
| | Chicago Lab. Supply Co., instruments | 84 65 |
| | Eugene Deitzgen Co., supplies for drawing | 112 11 |
| | DeLavel Mfg. Co., boiler fixtures | 228 00 |
| | The Crandal Packing Co., packing | 15 89 |
| | P. Banner, supplies | 22 75 |
| | Lexington Railway Co., light | 130 30 |
| | Ashcraft Mfg. Co., supplies | 24 00 |
| | American Type Foundry Co., supplies | 17 04 |
| | C. C. Stoll & Co., oil | 34 35 |
| | Brock & Co., repairs | 53 81 |
| | Sebastian Lath Co., machinery | 157 50 |

| | | |
|---|---|---|
| | L. M. Prince, drawing material | 72 50 |
| | Schaffer Budenberg Mfg. Co., engine | 115 50 |
| | Oelschaeger Bros., supplies for Zoo | 18 00 |
| | J. H. Staples, plastering | 158 00 |
| | G. D. Martin labor | 2 10 |
| | Robt. Clarke Co., books | 4 38 |
| | Whithall, Tatum Co., supplies for Chem | 28 53 |
| | Lexington Railway Co., lights | 12 30 |
| | Kaufman & Straus Co., curtains for Trus | 44 15 |
| | A. S. Lane, books | 31 00 |
| | C. B. Merwin, stationery | 34 00 |
| | Weston Electric Co., electrical supplies | 5 10 |
| | J. S. Poer & Co., paint | 7 25 |
| | Baron Boyle Co., files, etc | 3 75 |
| | The Construction News, subscription | 3 00 |
| | Elec. World & Eng., advertising | 10 50 |
| | American Type Foundry Co., supplies | 30 00 |
| | Windson Kenfield Co., subscription | 2 00 |
| | The Engineer Magazine, subscription | 4 00 |
| | F. Weber & Co., supplies | 21 41 |
| | Buffalo Supply Co., supplies | 32 99 |
| | Railway Age, subscription | 4 00 |
| | Horseless Age, subscription | 3 00 |
| | H. E. Curtis | 1 25 |
| 30 | H. E. Curtis, Treas. Athletic Asso | 150 00 |
| | Total | $12,572 15 |

## RECEIPTS FOR THE MONTH OF NOVEMBER, 1902.

| | |
|---|---|
| Balance on hand November 1st | $6,514 38 |
| Received from student fees | 26 75 |
| Total | $6,541 13 |
| Total amount received in November | $6,541 13 |
| Total amount expended in November | 5,750 49 |
| Balance on hand December 1st | $790 64 |

## EXPENDITURES FOR THE MONTH OF NOVEMBER, 1902.

| Date. 1902. | To whom paid. What for. | Amt. paid |
|---|---|---|
| Nov. 1 | Jas. K. Patterson, salary | $275 00 |
| | J. H. Neville, salary | 200 00 |
| | R. L. Blanton, salary | 130 00 |
| | R. N. Roark, salary | 200 00 |

| | |
|---|---|
| Milford White, salary | 120 00 |
| W. K. Patterson, salary | 150 00 |
| J. L. Logan, salary | 120 00 |
| J. M. Davis, salary | 110 00 |
| V. E. Muncy, salary | 100 00 |
| J. E. Winston, salary | 90 00 |
| W. W. H. Mustaine, salary | 80 00 |
| Miss Florence Offutt, salary | 80 00 |
| Jas. G. White, salary | 200 00 |
| J. H. Kastle, salary | 200 00 |
| F. P. Anderson, salary | 200 00 |
| A. M. Miller, salary | 200 00 |
| M. L. Pence, salary | 200 00 |
| J. B. Brooks, salary | 200 00 |
| A. S. Mackenzie, salary | 180 00 |
| C. W. Mathews, salary | 200 00 |
| J. W. Pryor, salary | 150 00 |
| J. R. Johnson, salary | 120 00 |
| J. T. Faig, salary | 140 00 |
| A. R. Sawyer, salary | 110 00 |
| L. K. Frankel, salary | 90 00 |
| Jos. Dicker, salary | 50 00 |
| R. S. Bullock, salary | 8 33 |
| D. C. Frazee, salary | 100 00 |
| Miss M. Hodges, salary | 50 00 |
| Mrs. L. B. Blackburn, salary | 80 00 |
| Jas. Murray, salary | 40 50 |
| Thos. Aubrey, salary | 40 00 |
| R. A. Milligan, salary | 58 33 |
| John Smith, salary | 18 00 |
| Pier Whiteman, salary | 20 00 |
| Washington Ellis, salary | 20 00 |
| Armstead Mitchell, salary | 25 00 |
| Charlie Williams, salary | 5 00 |
| J. T. Friley, salary | 30 00 |
| E. A. Walsen, salary | 40 00 |
| H. P. Ramey, salary | 40 00 |
| Charlie Turner, salary | 25 00 |
| Mrs. Anna B. Jones, salary | 25 00 |
| Miss Cora Williams, salary | 15 00 |
| Clyde Grady, salary | 15 00 |
| A. T. Crider, salary | 15 00 |
| G. F. Mason, salary | 15 00 |
| D. C. Donan, salary | 15 00 |
| T. E. Warnock, salary | 15 00 |
| H. J. Clo, salary | 10 00 |
| Clyde Grady, salary | 10 00 |

| | | |
|---|---|---|
| | F. F. Fineerman, salary | 10 00 |
| | Elias Elvove, salary | 10 00 |
| | T. T. Jones, salary | 67 50 |
| | E. C. Kidd, lamps | 10 20 |
| | A. L. Jenkins, night guard | 2 00 |
| | D. C. Frazee, student labor | 18 40 |
| | D. C. Frazee, petty cash account | 19 65 |
| | J. Boreing, Jr., typewriting | 5 00 |
| | C. R. Smith, | 4 00 |
| | R. B. Sadler, salary | 20 00 |
| | F. C. Elkins, postage | 20 00 |
| 3 | J. K. Patterson, traveling expenses | 16 64 |
| | J. T. Faig, advertising | 3 30 |
| | Kaufman & Straus Co., ribbon for diplomas | 1 80 |
| | H. H. Urmston, work in mill dept | 7 00 |
| | Kinkead Coal Co., coal | 187 94 |
| | Kaufman Clothing Co | 7 00 |
| | E. G. Kelly, student labor | 3 40 |
| | W. S. Bradley, brooms, etc | 5 30 |
| | Carlisle Mercury, advertising | 5 00 |
| | J. T. Jackson, repairs | 30 16 |
| | W. E. McCann, supplies | 3 10 |
| | A. Traliot, paints and alcohol | 14 75 |
| | A. K. Storms, music | 4 00 |
| | H. M. Frazer, electrical supplies | 41 36 |
| | Shely & Co., repairing arc | 3 39 |
| | Chicago Lab. Scale Supply Co | 37 49 |
| | Lex. Railway Co., lights | 17 85 |
| | C. F. Brower & Co., furniture | 168 65 |
| | Corbin News, advertising | 5 00 |
| | Lex. Hyd. & Mfg. Co., water | 65 45 |
| | Standard Elec. Co., elec. supplies | 2 55 |
| 12 | S. M. Brown, carpenter work | 10 00 |
| | S. M. Brown, carpenter work | 5 15 |
| | Lee Anderson, night guard | 2 00 |
| | F. P. Anderson, student labor, pay-roll | 27 00 |
| | J. T. Watson, canvas | 4 00 |
| | Irvine Squire, library books | 35 00 |
| | Cambridge Botanical Supply Co | 7 52 |
| 20 | Hart Co. News, advertising | 5 00 |
| | Lex. Democrat, advertising | 20 00 |
| 21 | J. S. Lily, expenses trustees' meeting | 3 40 |
| | R. W. Nelson, expenses trustees' meeting | 17 50 |
| | H. S. Barker, expenses trustees' meeting | 15 00 |
| | Enquirer Co., advertising | 8 50 |
| | Louisville Courier-Journal, advertising | 9 00 |
| | Smith-Premier Co., typewriter repaired | 5 00 |

| | |
|---|---|
| C. D. Cunningham, paints and oil | 40 77 |
| W. C. Bell, expenses trustees' meeting | 10 50 |
| E. B. Voorhees, student labor | 15 00 |
| John Skain, subscription Good Road Con. | 50 00 |
| Jas. G. Biddle, labor | 2 11 |
| J. F. Sandefur, treas. Pat. Lit. Soc. | 10 00 |
| Total | $5,750 49 |

## RECEIPTS FOR THE MONTH OF DECEMBER, 1902.

| | |
|---|---|
| Balance on hand December 1st | $ 790 64 |
| Received from Auditor, taxes | 9,476 80 |
| Received from student fees | 20 00 |
| Received from other sources | 431 23 |
| Total | $10,718 67 |
| Total amount expended in December | $13,714 97 |
| Total amount received in December | 10,718 67 |
| Balance on hand January 1st | $2,996 30 |

## EXPENDITURES FOR THE MONTH OF DECEMBER, 1902.

| Date. 1902. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Dec. 1 | Jas. K. Patterson, salary | $275 00 |
| | J. H. Neville, salary | 200 00 |
| | R. L. Blanton, salary | 130 00 |
| | R. N. Roark, salary | 200 00 |
| | Milford White, salary | 120 00 |
| | W. K. Patterson, salary | 150 00 |
| | J. M. Davis, salary | 110 00 |
| | V. E. Muncy, salary | 100 00 |
| | W. W. H. Mustaine, salary | 80 00 |
| | J. E. Winston, salary | 90 00 |
| | Miss Florence G. Offutt, salary | 80 00 |
| | Jas. G. White, salary | 200 00 |
| | J. H. Kastle, salary | 200 00 |
| | F. P. Anderson, salary | 200 00 |
| | A. M. Miller, salary | 200 00 |
| | M. L. Pence, salary | 200 00 |
| | J. P. Brooks, salary | 200 00 |
| | A. S. Mackenzie, salary | 180 00 |
| | C. W. Mathews, salary | 200 00 |
| | J. W. Pryor, salary | 150 00 |

| | | |
|---|---|---|
| | J. R. Johnson, salary | 120 00 |
| | J. T. Faig, salary | 140 00 |
| | A. R. Sawyer, salary | 110 00 |
| | L. K. Frankel, salary | 90 00 |
| | Jos. Dicker, salary | 50 00 |
| | R. S. Bullock, salary | 8 33 |
| | D. C. Frazee, salary | 100 00 |
| | Miss Mary Hodges, salary | 50 00 |
| | Mrs. L. B. Blackburn, salary | 80 00 |
| | Jas Murray, salary | 37 50 |
| | Thos. Aubrey, salary | 40 00 |
| | R. A. Milligan, salary | 58 33 |
| | John Smith, salary | 18 00 |
| | Pier Whiteman, salary | 20 00 |
| | Washington Ellis, salary | 20 00 |
| | Charlie Williams, salary | 5 00 |
| | J. T. Friley, salary | 30 00 |
| | L. M. Schular, salary | 25 33 |
| | E. A. Walden, salary | 14 67 |
| | H. P. Ramie, salary | 40 00 |
| | Charlie Turner, salary | 25 00 |
| | Mrs. Anna B. Jones, salary | 25 00 |
| | Miss Cora Williams, salary | 15 00 |
| | Clyde Grady, salary | 25 00 |
| | A. F. Crider, salary | 15 00 |
| | G. F. Mason, salary | 15 00 |
| | D. C. Donan, salary | 15 00 |
| | T. E. Warnock, salary | 15 00 |
| | H. J. Clo, salary | 10 00 |
| | F. F. Finnerman, salary | 10 00 |
| | Elias Elvove, salary | 10 00 |
| | T. T. Jones, salary | 67 50 |
| | R. B. Sadler, salary | 10 00 |
| | D. C. Frazee, petty cash account | 18 11 |
| | J. K. Patterson, traveling expenses | 24 80 |
| | H. J. Clo, janitor | 11 00 |
| | J. Boreing, Jr., work Normal Dept | 7 00 |
| | D. C. Frazee, payroll-, student labor | 11 70 |
| | C. R. Smith, military | 4 00 |
| | J. L. Logan, salary | 120 00 |
| | Armstead Mitchell, salary | 25 00 |
| 2 | D. C. Frazee, excess in Fay. Nat. Bank | 1 00 |
| 5 | F. P. Anderson, student labor | 16 39 |
| | F. C. Elkins, deposit on 3d class mail | 39 10 |
| 10 | McD. Ferguson, expenses trustees' meeting | 34 60 |
| | Kinkead Coal Co., coal | 426 15 |
| | H. S. Barker, expenses trustees' meeting | 8 55 |
| | R. W. Nelson, expenses trustees' meeting | 9 50 |

| | | |
|---|---|---|
| | F. P. Anderson, traveling expenses inspection trip.... | 48 00 |
| | J. T. Faig, traveling expenses inspection trip..... | 15 00 |
| | Farley Transfer Co., freight and drayage..... | 89 83 |
| | Eimer & Amend, chemicals..... | 376 87 |
| 13 | C. D. Cunningham, paints and oil..... | 134 47 |
| | Combs Lumber Co., lumber..... | 218 87 |
| | Chicago Lab. Supply Co., apparatus..... | 15 00 |
| | Richards & Co., chemistry..... | 11 05 |
| | Roy Hoping & Co., chemistry..... | 5 00 |
| | Williamson & Son, lumber..... | 44 50 |
| | Jesse Woodruff & Son, material..... | 22 40 |
| | Lex. Engine & Saw Mill Co., boiler supplies..... | 83 35 |
| | Keuffel Esser Co., drawing material..... | 4 50 |
| | Jos. Woolfork, insurance..... | 90 45 |
| | Standard Electric Co., electrical supplies..... | 88 44 |
| | M. L. Pence, petty cash account..... | 10 00 |
| | C. W. Mathews, petty cash account..... | 15 24 |
| | Brown Sharp Mfg. Co., supplies..... | 15 60 |
| | Stoll & Co., alcohol..... | 21 88 |
| | W. S. Bradley, broom..... | 2 90 |
| | Smith, Watkins & Co., hardware..... | 12 62 |
| | Montenegro & Reihm, piano rent..... | 3 30 |
| | J. H. Wilson & Bros..... | 4 00 |
| | J. H. Wheil & Son, chairs..... | 35 90 |
| | C. C. Stoll & Co., oil..... | 7 95 |
| | J. H. March, chairs and tables..... | 45 00 |
| | C. M. Clay, Jr., expenses trustees' meeting..... | 14 95 |
| | Lex. Lumber Co., lumber..... | 593 26 |
| | Nernst Lamp Co., lamps..... | 16 37 |
| | Cortelf & Leonard, caps and gowns..... | 36 00 |
| | American Type Foundry, supplies..... | 31 50 |
| | E. D. Veach, stationery..... | 39 25 |
| | E. D. Albree Supply Co., supplies..... | 5 00 |
| | Everett & Francis Supply Co..... | 25 00 |
| | Timin & Alsen Co., hardware..... | 12 50 |
| | Fayette Tel. Co., rental and tolls..... | 5 25 |
| | Lex. Railway Co., light..... | 17 35 |
| | Lex. Water Co., water..... | 61 31 |
| 16 | John McChord, expenses to trustees' meeting..... | 9 45 |
| | Observer Printing Co., advertising..... | 5 00 |
| | H. P. Kinkead, insurance..... | 60 60 |
| | Engineering Magazine, advertising..... | 10 00 |
| | Brooksville Herald, advertising..... | 5 00 |
| | F. C. Elkins, postage..... | 20 00 |
| | The Milward Co., piano rent..... | 6 00 |
| | J. H. Wilson & Bros., repairs..... | 4 00 |
| | Kaufman Clothing Co..... | 14 50 |
| | E. J. Hunter, directory..... | 4 50 |

| | | |
|---|---|---|
| 18 | Van Deren Hardware Co., hardware | 192 55 |
| | H. C. Neal & Co., chairs | 2 25 |
| | J. H. Simrall, insurance | 97 30 |
| | G. A. McDonald, insurance | 40 20 |
| | McClure & Bronston, stationery | 282 50 |
| | Standard Oil Co., oil | 123 76 |
| | East Tenn. Tel. Co., rentals | 8 15 |
| | Farley Transfer Co., freight and drayage | 6 94 |
| | F. C. Elkins, postage | 20 00 |
| | Arthur W. Hall, science supplies | 9 85 |
| | Jas. K. Patterson, salary | 275 00 |
| | J. H. Neville, salary | 200 00 |
| | R. L. Blanton, salary | 130 00 |
| | R. N. Roark, salary | 200 00 |
| | Milford White, salary | 120 00 |
| | W. K. Patterson, salary | 150 00 |
| | J. L. Logan, salary | 120 00 |
| | J. M. Davis, salary | 110 00 |
| | V. E. Muncy, salary | 100 00 |
| | J. E. Winston, salary | 90 00 |
| | W. W. H. Mustaine, salary | 80 00 |
| | Miss Florence Offutt, salary | 80 00 |
| | Jas. G. White, salary | 200 00 |
| | J. H. Kastle, salary | 200 00 |
| | F. P. Anderson, salary | 200 00 |
| | A. M. Miller, salary | 200 00 |
| | M. L. Pence, salary | 200 00 |
| | J. P. Brooks, salary | 200 00 |
| | A. S. Mackenzie, salary | 180 00 |
| | C. W. Mathews, salary | 200 00 |
| | J. W. Pryor, salary | 150 00 |
| | J. R. Johnson, salary | 120 00 |
| | J. T. Faig, salary | 140 00 |
| | A. R. Sawyer, salary | 110 00 |
| | L. K. Frankel, salary | 90 00 |
| | Jos. Dicker, salary | 50 00 |
| | R. S. Bullock, salary | 8 34 |
| | D. C. Frazee, salary | 100 00 |
| | Miss M. Hodges, salary | 50 00 |
| | Mrs. L. B. Blackburn, salary | 80 00 |
| | Jas. Murray, salary | 40 50 |
| | Thos. Aubrey, salary | 40 00 |
| | R. A. Milligan, salary | 58 34 |
| | John Smith, salary | 18 00 |
| | Pier Whiteman, salary | 20 00 |
| | Washington Ellis, salary | 20 00 |
| | Armstead Mitchell, salary | 25 00 |
| | Charley Williams, salary | 5 00 |

| | | |
|---|---|---|
| | J. T. Friley, salary | 30 00 |
| | L. M. Schular, salary | 40 00 |
| | E. E. Ramey, salary | 40 00 |
| | Charlie Turner, salary | 25 00 |
| | Mrs. Anna B. Jones, salary | 25 00 |
| | Miss Cora Williams, salary | 15 00 |
| | Clyde Grady, salary | 25 00 |
| | Elias Elvove, salary | 10 00 |
| | H. H. Urmston, salary | 4 50 |
| | A. F. Crider, salary | 15 00 |
| | G. F. Mason, salary | 15 00 |
| | D. C. Donan, salary | 15 00 |
| | T. E. Warnick, salary | 15 00 |
| | H. J. Clo, salary | 10 00 |
| | T. T. Finnernan, salary | 10 00 |
| | T. T. Jones, salary | 67 50 |
| | R. B. Sadler, salary | 10 00 |
| | Miss Jane Todd Watson, salary | 10 00 |
| | Claude R. Smith, trumpeter | 3 00 |
| | Jos. Dicker, extra work | 3 50 |
| | Jas. M. Byrnes, stationery and printing | 122 32 |
| | Shaeffer & Budenberg Mfg. Co., supplies | 10 50 |
| | American Monthly Review of Reviews, subscription | 6 00 |
| 19 | Lexington Railway Co., lights | 7 00 |
| | F. C. Elkins, postage | 27 60 |
| | J. Boreing, Jr., typewriting | 4 60 |
| | W. T. Robertson, laborer | 3 50 |
| 22 | Transylvania Co., stationery and printing | 215 80 |
| | Total | $13,714 97 |

## RECEIPTS FOR THE MONTH OF JANUARY, 1903.

| | | |
|---|---|---|
| Received from Auditor of Kentucky, taxes | | $22,404 38 |
| Received from Girls' Dormitory fund | | 322 70 |
| Received from student fees | | 216 00 |
| Received from interest | | 59 17 |
| Total | | $23,002 25 |
| Total amount expended | $1,718 70 | |
| Overdrawn January 1st | 2,996 30 | |
| | | 4,715 00 |
| Balance on hand February 1st | | $18,287 25 |

## EXPENDITURES FOR THE MONTH OF JANUARY, 1903.

| Date. 1903. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Jan. 7 | Kinkead Coal Co., coal | $612 88 |
| | D. C. Frazee, petty cash account | 35 99 |
| | G. C. Elkins, P. O. box rent | 1 00 |
| | Miss Florence G. Offutt, measurements | 20 00 |
| | D. C. Frazee, student labor, pay-roll | 1 25 |
| 9 | Standard Oil Co., oil and gasoline | 29 50 |
| | Lex. Railway Co., lights | 35 75 |
| | Irvine Sheperd, sec | 2 00 |
| | A. C. McClurg & Co., books | 5 70 |
| | Lex. Water Co., water | 101 62 |
| | Jessamine News, advertising | 5 00 |
| | Orange Judd Co., books | 5 25 |
| | Cambridge Botanical Sup. Co., supplies | 6 38 |
| | H. N. Frazer, electric work | 6 84 |
| | H. H. Urmston, labor | 5 55 |
| | John M. Greenway, books | 28 35 |
| | Morning Herald, advertising | 17 00 |
| | Dodge & Slade, insurance | 75 59 |
| | John Wiley & Sons, books | 5 00 |
| | Scott Townsend & Co | 1 75 |
| | J. S. Poer & Co., paints and oil | 27 90 |
| | Queen City Supply Co., supplies for mech. dept | 6 05 |
| | F. T. Justice, lime | 75 |
| 15 | John M. Greenway, book and staeionery | 26 69 |
| | American Machinist, subscription | 4 00 |
| | Elec. World and Eng., subscription | 3 00 |
| | American Electrician, subscription | 1 00 |
| | L. M. Prince, drawing supplies | 4 70 |
| | Marine Eng., subscription | 2 00 |
| | Electrician Pub. Co., subscription | 3 00 |
| | Buckeye Elec. Co., electric supplies | 9 17 |
| | Fred Macey & Co., card file | 4 72 |
| | Engineering News Co., subscription | 4 00 |
| | Lee Anderson, firing boiler at night | 3 00 |
| 16 | E. P. Johnson, plumbing | 108 23 |
| | C. R. Gilmore, Y. M. C. A., appro | 30 00 |
| | F. C. Elkins, postage | 25 00 |
| | E. P. Johnson, plumbing and repairs | 174 50 |
| | S. M. Brown, carpenter work | 31 50 |
| | Miss J. M. Offutt | 3 40 |
| | Eugene Deitzgen & Co., drawing supplies | 40 80 |
| | Eimer & Amend, chemicals | 10 75 |
| | Electrical Appliance Co., elec. supplies | 32 54 |

| | | |
|---|---|---|
| | Dennison Mfg. Co., rubber bands | 7 55 |
| | The Grasselli Chem. Co., chemicals | 7 01 |
| | East Tenn. Tel. Co., rentals | 3 00 |
| | G. L. Byroade, petty cash account | 5 40 |
| | Lex. Leader, advertising | 11 50 |
| | Master & Bean, paints and oil | 1 00 |
| | W. E. Seiver, supplies | 48 50 |
| | H. M. Frazier, elec. work | 3 40 |
| 22 | Jas. Clarke Co., machine repairs | 21 50 |
| | Byrne & Lewis, feed | 9 50 |
| | Standard elec. Co., elec. supplies | 20 84 |
| 27 | F. C. Elkins, postage | 11 00 |
| | American Architect & Builder, subscription | 6 00 |
| | Brown-Sharp Mfg. Co., repairs | 90 |
| | C. B. Ross, towels | 2 50 |
| | Total | $1,718 70 |

## RECEIPTS FOR THE MONTH OF FEBRUARY, 1903.

| | |
|---|---|
| Balance on hand February 1, 1903 | $18,287 25 |
| Received from other sources | 131 70 |
| Received from student fees | 38 35 |
| Total | 38 35 |
| Total amount received in February | $18,457 30 |
| Total amount expended in February | 6,613 44 |
| Balance on hand March 1st | $11,843 86 |

## EXPENDITURES FOR THE MONTH OF FEBRUARY, 1903.

| Date. 1903. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Feb. 2 | Jas. K. Patterson, salary | $275 00 |
| | J. H. Neville, salary | 200 00 |
| | R. L. Blanton, salary | 130 00 |
| | R. N. Roark, salary | 200 00 |
| | Milford White, salary | 120 00 |
| | W. K. Patterson, salary | 150 00 |
| | J. L. Logan, salary | 120 00 |
| | V. E. Muncy, salary | 110 00 |
| | W. W. H. Mustaine, salary | 80 00 |
| | J. E. Winston, salary | 90 00 |
| | Miss F. G. Offutt, salary | 80 00 |
| | Jas. G. White, salary | 200 00 |

| | | |
|---|---|---|
| | J. H. Kastle, salary | 200 00 |
| | F. P. Anderson, salary | 200 00 |
| | A. M. Miller, salary | 200 00 |
| | C. W. Mathews, salary | 200 00 |
| | J. W. Pryor, salary | 150 00 |
| | M. L. Pence, salary | 200 00 |
| | J. P. Brooks, salary | 200 00 |
| | J. R. Johnson, salary | 120 00 |
| | J. T. Faig, salary | 140 00 |
| | A. R. Sawyer, salary | 110 00 |
| | L. K. Frankel, salary | 90 00 |
| | Jos. Dicker, salary | 50 00 |
| | R. S. Bullock, salary | 8 33 |
| | D. C. Frazee, salary | 100 00 |
| | Miss M. Hodges, salary | 50 00 |
| | Mrs. L. B. Blackburn, salary | 80 00 |
| | Jas. Murray, salary | 40 50 |
| | Thos. Aubrey, salary | 40 00 |
| | R. A. Milligan, salary | 58 33 |
| | John Smith, salar | 18 00 |
| | Pier Whiteman, salary | 20 00 |
| | Washington Ellis, salary | 20 00 |
| | Armstead Mitchell, salary | 25 00 |
| | Charlie Williams, salary | 5 00 |
| | J. T. Friley, salary | 30 00 |
| | J. M. Schular, salary | 40 00 |
| | H. P. Ramey, salary | 40 00 |
| | Charlie Turner, salary | 25 00 |
| | Mrs. A. B. Jones, salary | 25 00 |
| | Miss Cora Williams, salary | 15 00 |
| | Clyde Grady, salary | 25 00 |
| | A. F. Crider, salary | 15 00 |
| | C. F. Mason, salary | 15 00 |
| | D. C. Donan, salary | 25 00 |
| | F. C. Warnock, salary | 15 00 |
| | H. J. Clo, salary | 10 00 |
| | F. F. Finnerman, salary | 10 00 |
| | Elias Elvove, salary | 10 00 |
| | T. T. Jones, salary | 67 50 |
| | R. B. Sadler, salary | 10 00 |
| | F. C. Elkins, salary | 20 95 |
| | C. R. Smith, trumpeter | 4 00 |
| | H. H. Urmston, labor | 3 60 |
| | D. C. Frazee, petty cash account | 49 68 |
| | Popular Astronomy, subscription | 5 00 |
| 5 | Kinkead Coal Co., coal | 762 28 |
| | Berry Co., supplies | 33 00 |
| | J. M. Davis, salary | 100 00 |

| | | |
|---|---|---|
| | A. S. Mackenzie, salary | 180 00 |
| | D. C. Frazee, current expenses | 14 05 |
| 4 | Bausch & Lomb Opt. Co., instruments | 36 76 |
| | Municipal Engineer, subscription | 2 00 |
| | John Wiley & Sons, books | 11 02 |
| | Jas. Vicks & Sons | 2 51 |
| | Kenyon Printing & Mfg. Co., books | 1 10 |
| | University of Chicago, books | 4 00 |
| | The Open Court Pub. Co., books | 9 68 |
| | Fayette Home Tel. Co., rentals | 4 50 |
| | Troy Botanical Club, subscription | 6 00 |
| | Robt. Clarke Co., books | 12 77 |
| | Henry A. Dreer, flower seeds | 19 80 |
| | Combs Lumber Co., lumber | 37 87 |
| | Windsor Kenfield Pub. Co., advertising | 3 20 |
| | F. T. Justice, lime | 75 |
| | Lexington Water Co., water | 110 02 |
| | Lexington Railway Co., lights | 25 85 |
| | T. B. Hay & Co., supplies | 22 98 |
| | Smith, Watkins & Co., hardware | 12 90 |
| | J. B. Rogers & Co., soap and brooms | 7 20 |
| | Consumers' Ice Co., ice | 48 90 |
| | F. C. Elkins, postage on bulletins | 1 50 |
| 6 | Lex. Plumbing Co., plumbing | 25 04 |
| | F. Anderson, pay-roll, student labor | 35 61 |
| | The MacMillan Co., books | 3 82 |
| | Mrs. A. H. Adams | 8 00 |
| | H. J. Clo, janitor service | 10 00 |
| | Miss Jane T. Watson, teaching | 5 00 |
| 10 | Standard Oil Co., gasoline and oil | 117 01 |
| | John Hutchison, mops and brooms | 7 25 |
| | The Robt. Clarke Co., books and magazines | 1 00 |
| | Journal of Applied Microscopy, subscription | 1 00 |
| | Farmers' Home Journal, advertising | 15 00 |
| | Home and Farm Journal, advertising | 16 80 |
| | Orange Judd Co., advertising | 8 40 |
| | The Rural Pub. Co., advertising | 10 20 |
| | The Farmer Co., advertising | 8 40 |
| | Wm. Purnell, books and stationery | 29 40 |
| | E. Bitterman & Son, repairs | 126 29 |
| | Barnes & Hall, chemicals | 24 16 |
| | C. F. Brower & Co., fixtures, etc | 52 45 |
| | McClure & Bain, stationery | 24 55 |
| | Wagner Electric Co., electrical supplies | 83 |
| | Thos. Aubrey, extra work | 1 00 |
| | Jas. K. Patterson, traveling expenses | 24 55 |
| | D. M. Brown, carpenter work | 46 25 |
| | Total | $6,613 44 |

## RECEIPTS FOR THE MONTH OF MARCH, 1903.

| | |
|---|---|
| Balance on hand March 1, 1903 | $11,843 86 |
| Received from student fees | 77 50 |
| Received from other sources | 14 50 |
| Total | $11,935 86 |
| Total receipts for the month of March | $11,935 86 |
| Total expenditures for the month of March | 6,883 86 |
| Balance on hand April 1st | $5,052 00 |

## EXPENDITURES FOR THE MONTH OF MARCH, 1903.

| Date. 1903. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Mar. 2 | Jas. K. Patterson, salary | $275 00 |
| | J. H. Neville, salary | 200 00 |
| | R. L. Blanton, salary | 130 00 |
| | Milford White, salary | 120 00 |
| | R. N. Roark, salary | 200 00 |
| | W. K. Patterson, salary | 150 00 |
| | J. L. Logan, salary | 120 00 |
| | J. M. Davis, salary | 110 00 |
| | V. E. Muncy, salary | 100 00 |
| | W. W. H. Mustaine, salary | 80 00 |
| | J. E. Winston, salary | 90 00 |
| | Miss Florence Offutt, salary | 80 00 |
| | J. G. White, salary | 200 00 |
| | J. H. Kastle, salary | 200 00 |
| | F. P. Anderson, salary | 200 00 |
| | A. M. Miller, salary | 200 00 |
| | M. L. Pence, salary | 200 00 |
| | J. B. Brooks, salary | 200 00 |
| | A. S. Mackenzie, salary | 180 00 |
| | C. W. Mathews, salary | 200 00 |
| | J. R. Johnson, salary | 120 00 |
| | J. W. Pryor, salary | 150 00 |
| | John T. Faig, salary | 140 00 |
| | L. K. Frankel, salary | 90 00 |
| | A. R. Sawyer, salary | 110 00 |
| | Jos. Dicker, salary | 50 00 |
| | R. S. Bullock, salary | 8 33 |
| | D. C. Frazee, salary | 100 00 |
| | Miss M. Hodges, salary | 50 00 |
| | Mrs. L. B. Blackburn, salary | 80 00 |
| | Jas. Murray, salary | 36 00 |

| | | |
|---|---|---|
| | Thos. Aubrey, salary | 40 00 |
| | R. A. Milligan, salary | 58 33 |
| | John Smith, salary | 18 00 |
| | Pier Whiteman, salary | 20 00 |
| | Washington Ellis, salary | 20 00 |
| | H. A. Ramey, salary | 40 00 |
| | J. M. Schular, salary | 40 00 |
| | Charlie Turner, salary | 25 00 |
| | Mrs. Anna B. Jones, salary | 25 00 |
| | Miss Cora Williams, salary | 15 00 |
| | Clyde Grady, salary | 25 00 |
| | A. F. Crider, salary | 15 00 |
| | G. F. Mason, salary | 15 00 |
| | D. C. Donan, salary | 25 00 |
| | T. E. Warnock, salary | 15 00 |
| | F. T. Finnerman, salary | 10 00 |
| | H. J. Clo, salary | 10 00 |
| | Elias Elvove, salary | 10 00 |
| | T. T. Jones, salary | 67 50 |
| | R. B. Sadler, salary | 10 00 |
| | F. C. Elkins, salary | 20 00 |
| 3 | Dennis Cook, salary | 10 00 |
| | J. E. Mathews, trumpeter | 4 00 |
| | Smith-Premier Typewriter Co., repairs | 7 50 |
| | Armstead Mitchell, salary | 25 00 |
| | Charlie Williams, salary | 5 00 |
| | J. T. Friley, salary | 30 00 |
| 4 | H. H. Urmston, student labor | 7 80 |
| | D. C. Frazee, petty cash account | 26 85 |
| | D. C. Frazee, student labor | 12 00 |
| | Kinkead Coal Co., coal | 606 55 |
| 9 | Earley Transfer Co., freight and drayage | 29 93 |
| | Observer Printing Co., printing | 35 00 |
| | The Engraving News, advertising | 22 98 |
| | Green Co. Record, advertising | 5 00 |
| | Lex. Water Co., water | 128 45 |
| | E. O. Hausburg, dial for watchman clock | 1 50 |
| | Bausch & Lomb Opt. Co., supplies | 4 81 |
| | A. H. Andrews Co., erasers | 1 80 |
| | Hugh O'Neil, shoeing mule | 1 70 |
| | Brock & Co., tin work repairs | 50 00 |
| | H. J. Hillenmeyer, trees | 3 25 |
| | J. S. Poer & Co., oil | 1 05 |
| | John Wiley & Sons, books | 4 42 |
| | T. B. Hay & Co., hardware | 97 |
| | J. B. Roger & Co., soap | 60 |
| | Smith, Watkins & Co., hardware | 4 85 |

| | | |
|---|---|---|
| | Leland G. Bannering, supplies | 22 50 |
| | Hoomer, Omens & Rentshler Co. | 9 00 |
| | Chas. A. Strelinger, drawing material | 7 45 |
| | Combs Lumber Co., lumber | 26 48 |
| | J. J. Asher & Sons | 11 72 |
| | Globe Wernicke Co., card file | 2 25 |
| | Standard Oil Co., oil | 21 83 |
| | Chas. Scribner & Son, books | 3 00 |
| | Wm. Purnell, books | 37 05 |
| | W. E. McCann, lamps | 1 30 |
| 10 | Queen City Supply Co., supplies | 74 17 |
| | Keuffel & Esser Co., drawing material | 38 41 |
| | H. J. Clo, janitor service | 6 00 |
| | Miss Bessie Munson, salary | 65 00 |
| | McClure & Bronston, stationery | 49 50 |
| | Wm. Shobe, fees refunded | 2 50 |
| | McAdams & Morford, drugs | 2 70 |
| | Lex. Lumber Co., lumber | 74 65 |
| 13 | Bird Kenny | 3 00 |
| | Lex. Railway Co., light | 27 50 |
| | Hugh O'Neil, shoeing mule | 1 00 |
| | Henry A. Dreer, seeds | 5 75 |
| | L. M. Prince, drawing material | 59 52 |
| | R. J. Haight, book | 1 00 |
| | General Electric Co., elec. supplies | 21 63 |
| | McClure & Bronston, stationery and printing | 54 92 |
| | C. D. Cunningham, paints and oil | 4 60 |
| | Vaughn Seed Store, seeds | 15 23 |
| | C. F. Brower & Co., furniture | 56 50 |
| | Braid Elec. Co., elec. supplies | 12 75 |
| | Electric Appliance Co., electrical supplies | 15 60 |
| | L. des Cognets & Co., coal | 20 00 |
| | Kaufman Clothing Co., | 14 50 |
| | Victor Bogart, selfwinding clock | 14 85 |
| 16 | A. H. Andrews & Co., crayon | 3 84 |
| | Bausch & Lomb Optical Co., apparatus | 93 |
| | W. J. Houlihan & Bro., repairs, tin work | 94 85 |
| | Mrs. H. B. Adams, accompanist | 5 00 |
| 17 | Transylvania Co., stationery and printing | 224 62 |
| | S. M. Brown, carpenter work | 10 30 |
| 20 | R. R. Talifaro, student labor | 3 78 |
| | F. C. Elkins, postage | 22 50 |
| | J. F. Sandefur, Treas. Pat. Lit. Soc. | 10 00 |
| | Total | $6,883 86 |

## RECEIPTS FOR THE MONTH OF APRIL, 1903.

| | |
|---|---|
| Balance on hand April 1, 1903 | $5,052 00 |
| Received from student fees | 20 00 |
| Received from Auditor, taxes | 2,453 86 |
| Received from Auditor, interest on bonds | 4,322 25 |
| Total | $11,848 11 |
| Total amount received in April | $11,848 11 |
| Total amount expended in April | 5,982 91 |
| Balance on hand May 1, 1903 | $5,865 20 |

## EXPENDITURES FOR THE MONTH OF APRIL, 1903.

| Date. 1903. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Apr. 1 | Jas. K. Patterson, salary | $275 00 |
| | J. H. Neville, salary | 200 00 |
| | R. N. Roark, salary | 200 00 |
| | Milford White, salary | 120 00 |
| | W. K. Patterson, salary | 150 00 |
| | J. L. Logan, salary | 120 00 |
| | J. M. Davis, salary | 110 00 |
| | V. E. Muncy, salary | 100 00 |
| | J. E. Winston, salary | 90 00 |
| | W. W. H. Mustaine, salary | 80 00 |
| | Miss Florence Offutt, salary | 80 00 |
| | J. G. White, salary | 200 00 |
| | J. H. Kastle, salary | 200 00 |
| | F. P. Anderson, salary | 200 00 |
| | A. M. Miller, salary | 200 00 |
| | M. L. Pence, salary | 200 00 |
| | J. P. Brooks, salary | 200 00 |
| | A. S. Mackenzie, salary | 180 00 |
| | C. W. Mathews, salary | 200 00 |
| | J. W. Pryor, salary | 150 00 |
| | J. T. Faig, salary | 140 00 |
| | A. R. Sawyer, salary | 110 00 |
| | L. K. Frankel, salary | 90 00 |
| | Jos. Dicker, salary | 50 00 |
| | R. S. Bullock, salary | 8 34 |
| | D. C. Frazee, salary | 100 00 |
| | Miss M. Hodges, salary | 50 00 |
| | Mrs. L. B. Blackburn, salary | 80 00 |
| | Jas. Murray, salary | 39 00 |
| | Thos. Aubrey, salary | 40 00 |

| | | |
|---|---|---|
| | R. A. Milligan, salary | 58 34 |
| | John Smith, salary | 18 00 |
| | Pier Whiteman, salary | 20 00 |
| | Washington Ellis, salary | 20 00 |
| | Armstead Mitchell, salary | 25 00 |
| | Charlie Wiliams, salary | 5 00 |
| | J. T. Friley, salary | 30 00 |
| | H. P. Ramey, salary | 40 00 |
| | L. M. Schular, salary | 40 00 |
| | Charley Turner, salary | 25 00 |
| | Miss Cora Williams, salary | 15 00 |
| | Mrs. Anna B. Jones, salary | 25 00 |
| | Clyde Grady, salary | 25 00 |
| | G. L. Mason, salary | 15 00 |
| | D. C. Donan, salary | 25 00 |
| | T. E. Warnock, salary | 15 00 |
| | H. J. Clo, salary | 10 00 |
| | T. T. Finnernan, salary | 10 00 |
| | Elias Elvove, salary | 10 00 |
| | T. T. Jones, salary | 80 00 |
| | R. B. Sadler, salary | 10 00 |
| | J. E. Mathews, trumpeter | 4 00 |
| | D. C. Frazee, petty cash account | 40 04 |
| | D. C. Frazee, student labor pay roll | 26 45 |
| | M. L. Pence, petty cash account | 7 43 |
| | Kinkead Coal Co., coal | 434 40 |
| | H. H. Urmston, student labor | 6 40 |
| | F. C. Elkins, postage | 1 00 |
| | Ben Moore, labor | 20 20 |
| | R. L. Blanton, salary | 130 00 |
| | J. R. Johnson, salary | 120 00 |
| | A. F. Crider, salary | 15 00 |
| 10 | Jas. K. Patterson, traveling expenses | 33 75 |
| | Mrs. A. H. Adams, accompanist | 5 00 |
| | Lee Anderson, firing boiler | 4 00 |
| 13 | W. C. Bell, expenses trustees' meeting | 4 51 |
| | Jas. K. Patterson, books for library | 7 50 |
| 14 | F. C. Elkins, postage | 20 00 |
| | Lexington Water Co., water | 57 78 |
| | East Tennessee Telephone Co., rental | 4 30 |
| | Eimer & Amend, chemicals | 109 48 |
| | Bausch & Lomb Co., apparatus | 21 09 |
| | J. Boreing, Jr., work for summer school | 24 40 |
| | W. J. Houlihan Bros. | 1 00 |
| | E. P. Johnson, plumbing | 143 44 |
| | L. K. Frankel | 1 50 |
| | The Kny-Sheerer Co., books | 7 50 |

| | | |
|---|---|---|
| | The Macmillan Co., books | 2 91 |
| | Standard Oil Co., oil and gasoline | 93 72 |
| | Robt. Clarke Co., book | 1 50 |
| | D. C. Frost, seed | 85 |
| | J. M. Thorburn | 1 76 |
| 21 | Urans-Hord Co., supplies for mining engineering | 90 00 |
| | Smith Premier Co., repairs on typewriter | 2 50 |
| | The American Crayon Co., chalk | 7 60 |
| | W. S. Bradley, soap and brooms | 4 00 |
| | Oelschlaeger Bros., books | 3 50 |
| | Pelouze Scale Co., scales | 4 87 |
| | H. J. Clo, janitor service | 6 00 |
| | Miss Jane Todd Watson, salary | 10 00 |
| | Miss Eleanor Kenny | 3 00 |
| | Wm. Purnell, books | 10 40 |
| 28 | John McChardy, expenses trustees' meeting | 6 45 |
| | Total | $5,982 91 |

## RECEIPTS FOR THE MONTH OF MAY, 1903.

| | |
|---|---|
| Balance on hand May 1st | $5,865 20 |
| Received from student fees | 15 00 |
| Received from other sources | 33 30 |
| Total | $5,913 50 |
| Total amount received in May | $5,913 50 |
| Total amount expended in May | 5,910 32 |
| Balance on hand June 1st | $3 18 |

## EXPENDITURES FOR THE MONTH OF MAY, 1903.

| Date. 1903. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| May 1 | Jas. K. Patterson, salary | $275 00 |
| | J. H. Neville, salary | 200 00 |
| | R. L. Roark, salary | 200 00 |
| | Milford White, salary | 120 00 |
| | W. K. Patterson, salary | 150 00 |
| | J. L. Logan, salary | 120 00 |
| | J. M. Davis, salary | 110 00 |
| | V. E. Muncy, salary | 100 00 |
| | J. E. Winston, salary | 90 00 |
| | W. W. H. Mustaine, salary | 80 00 |
| | Miss Florence Offutt, salary | 80 00 |

| | |
|---|---|
| Jas. G. White, salary | 200 00 |
| J. H. Kastle, salary | 200 00 |
| F. P. Anderson, salary | 200 00 |
| A. M. Miller, salary | 200 00 |
| M. L. Pence, salary | 200 00 |
| J. P. Brooks, salary | 200 00 |
| A. S. Mackenzie, salary | 180 00 |
| C. W. Mathews, salary | 200 00 |
| J. W. Pryor, salary | 150 00 |
| J. R. Johnson, salary | 120 00 |
| J. T. Faig, salary | 140 00 |
| A. R. Sawyer, salary | 110 00 |
| L. K. Frankel, salary | 90 00 |
| Jos. Dicker, salary | 50 00 |
| R. S. Bullock, salary | 8 33 |
| D. C. Frazee, salary | 100 00 |
| Miss M. Hodges, salary | 50 00 |
| Mrs. L. Blackburn, salary | 80 00 |
| Jas. Murray, salary | 39 00 |
| Thos. Aubrey, salary | 40 00 |
| R. A. Milligan, salary | 58 33 |
| John Smith, salary | 18 00 |
| Pier Whiteman, salary | 20 00 |
| Washington Ellis, salary | 20 00 |
| Armstead Mitchell, salary | 25 00 |
| Charlie Williams, salary | 5 00 |
| J. T. Friley, salary | 30 00 |
| E. E. Ramey, salary | 40 00 |
| L. M. Schuler, salary | 40 00 |
| Charlie Turner, salary | 25 00 |
| Mrs. Anna B. Jones, salary | 25 00 |
| Miss Cora Williams, salary | 15 00 |
| Clyde Grady, salary | 25 00 |
| A. F. Crider, salary | 15 00 |
| G. F. Mason, salary | 15 00 |
| D. C. Donan, salary | 25 00 |
| T. E. Warnock, salary | 15 00 |
| H. J. Clo, salary | 10 00 |
| T. T. Finnerman, salary | 10 00 |
| T. T. Jones, salary | 80 00 |
| Elias Elvove, salary | 10 00 |
| R. B. Sadler, salary | 10 00 |
| C. L. Peckinpaugh, salary | 10 00 |
| V. E. Muncy, drawing | 100 00 |
| D. C. Frazee, petty cash account | 38 00 |
| R. L. Blanton, salary | 130 00 |
| D. C. Frazee, student labor | 17 85 |

| | | |
|---|---|---|
| 6 | Kinkead Coal Co., coal | 179 80 |
| | Lexington Hydraulic & Manufacturing Co., water | 65 00 |
| | E. H. Martin, labor | 7 50 |
| | J. E. Mastin, | 4 00 |
| | H. H. Winston, work at military department | 6 60 |
| | Lexington Water Co., water | 64 26 |
| | Hugh O'Neil, shoeing mule | 1 50 |
| | Wm. Purnell, books | 1 20 |
| | John Hutchison, brooms and mops | 3 50 |
| | Geo. H. Stahl | 1 00 |
| | Eimer & Amend, chemicals | 23 85 |
| | Jno. Greenway, books and stationery | 15 00 |
| | F. C. Elkins, postage | 20 00 |
| | Jos. Dicker, extra work | 3 00 |
| | F. C. Elkins, postage | 10 00 |
| | F. P. Anderson, pay-roll, student labor | 20 70 |
| | J. T. Faig, alumni association appropriation | 200 00 |
| | H. J. Clo., student traveling expenses | 7 50 |
| | The Mine Smelter Supply Co., supplies | 325 00 |
| | F. C. Elkins, postage | 5 00 |
| | Standard Oil Co., oil, gasoline | 7 40 |
| | F. C. Elkins, postage | 24 00 |
| | Total | $5,910 32 |

## RECEIPTS FOR THE MONTH OF JUNE, 1903.

| | |
|---|---|
| Balance on hand June 1st | $3 18 |
| Received from student fees | 265 68 |
| Received from interest on deposits | 22 01 |
| Received from other sources | 12 30 |
| Total | $303 17 |
| Total amount received in June | $303 17 |
| Total amount expended in June | 13,767 36 |
| Overdrawn July 1st | $13,464 19 |

## EXPENDITURES FOR THE MONTH OF JUNE, 1903.

| Date. 1903. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| June 1 | Student traveling expenses, 129 students | $1,282 10 |
| 4 | McD. Ferguson, expenses trustees' meeting | 32 40 |
| | Officers of Battalion, seventeen | 340 00 |
| | Tibbis Carpenter, expenses, trustees meeting | 26 44 |

| | |
|---|---|
| R. W. Nelson, expenses, trustees meeting | 22 35 |
| H. S. Barker, expenses, trustees meeting | 11 80 |
| Jas. K. Patterson, traveling expenses | 19 06 |
| F. C. Elkins, postage | 20 00 |
| J. K. Patterson, salary, two months | 550 00 |
| J. H. Neville, salary, two months | 400 00 |
| R. N. Roark, salary, two months | 400 00 |
| Milford White, salary, two months | 240 00 |
| B. L. Blanton, salary, two months | 260 00 |
| W. K. Patterson, salary, two months | 300 00 |
| J. L. Logan, salary, two months | 240 00 |
| J. M. Davis, salary two months | 220 00 |
| V. E. Muncy, salary, two months | 200 00 |
| J. E. Winston, salary, two months | 180 00 |
| W. W. H. Mustaine, salary, two months | 160 00 |
| Miss Florence Offutt, salary, two months | 160 00 |
| Jas. G. White, salary, two months | 400 00 |
| J. H. Kastle, salary, two months | 400 00 |
| F. P. Anderson, salary, two months | 400 00 |
| A. M. Miller, salary, two months | 400 00 |
| M. L. Pence, salary, two months | 400 00 |
| J. P. Brooks, salary, two months | 400 00 |
| A. S. Mackenzie, salary, two months | 360 00 |
| C. W. Mathews, salary, two months | 400 00 |
| J. W. Pryor, salary, two months | 300 00 |
| J. R. Johnson, salary, two months | 240 00 |
| J. T. Faig, salary, two months | 280 00 |
| A. R. Sawyer, salary, two months | 220 00 |
| L. K. Frankel, salary, two months | 180 00 |
| Jos. Dicker, salary, one month | 50 00 |
| R. S. Bullock, salary, one month | 8 33 |
| D. C. Frazee, salary, one month | 100 00 |
| Miss M. Hodges, salary, one month | 50 00 |
| Mrs. L. B. Blackburn, salary, one month | 160 00 |
| Jas. Murray, salary, one month | 22 50 |
| Thos. Aubrey, salary, one month | 40 00 |
| R. A. Milligan, salary, one month | 58 33 |
| John Smith, salary, one month | 18 00 |
| Pier Whiteman, salary, one month | 20 00 |
| Washington Ellis, salary, one month | 20 00 |
| Armstead Mitchell, salary, one month | 25 00 |
| Charlie Williams, salary, one month | 5 00 |
| J. T. Friley, salary, one month | 30 00 |
| E. E. Ramey, salary, one month | 40 00 |
| H. M. Schular, salary, one month | 40 00 |
| Charlie Turner, salary, one month | 25 00 |
| Mrs. Anna B. Jones, salary, one month | 25 00 |

| | | |
|---|---|---|
| | Miss Cora Williams, salary, two months | 30 00 |
| | Clyde Grady, salary, two months | 50 00 |
| | A. F. Crider, salary, two months | 30 00 |
| | G. F. Mason, salary, two months | 30 00 |
| | D. C. Donan, salary, two months | 50 00 |
| | T. E. Warnock, salary, two months | 30 00 |
| | H. J. Clo, salary, two months | 20 00 |
| | T. T. Finnernan, salary, two months | 20 00 |
| | Elias Elvove, salary, two months | 20 00 |
| 8 | T. T. Jones, salary, two months | 160 00 |
| | R. B. Sadler, salary, two months | 20 00 |
| | C. L. Peckinpaugh, salary, two months | 20 00 |
| | D. C. Frazee, petty cash account | 45 73 |
| | E. G. Gaither, class day expenses | 25 40 |
| 11 | John McChord, expenses, trustees meeting | 6 00 |
| | F. C. Elkins, postage | 1 30 |
| | Jess Woodruff & Son, insurance | 100 50 |
| | H. P. Kinkead, insurance | 20 10 |
| | R. Arnspiger, insurance | 107 40 |
| | J. T. Faig, traveling expenses, inspection trip | 15 13 |
| | A. S. Mackenzie, traveling expenses, inspection trip | 16 88 |
| | W. G. Campbell, trumpeter | 4 00 |
| 18 | F. P. Anderson, traveling expenses, inspection trip | 40 50 |
| | Kinkead Coal Co., coal | 110 14 |
| | T. M. Morrow, advertising | 20 50 |
| | J. W. Stoll, insurance | 120 00 |
| | W. King & Son,, insurance | 77 40 |
| | J. R. Sharpe, insurance | 40 20 |
| | L. E. Pierce, insurance | 2 00 |
| | Standard Oil Co., oil and gasoline | 60 55 |
| | Byrnes & Lewis, feed | 31 39 |
| | J. Boreing, Jr., typewriting | 11 60 |
| | Robt. Clarke Co., books | 1 45 |
| | L. M. Prince, drawing material | 4 80 |
| | C. W. Mathews, petty cash account | 8 67 |
| | C. F. Brower & Co., furniture | 4 50 |
| | H. C. Neal & Co., table | 2 55 |
| | Vaughn Seed Store, bulbs and seed | 16 40 |
| | Rodrick Leaf Manufacturing Co., supplies | 7 00 |
| | E. B. Drake, fixtures | 9 50 |
| | Shady Hil Nursery, trees | 1 65 |
| | C. S. Brent, seed | 9 00 |
| | H. F. Hillenmyer, trees | 14 20 |
| | Queen & Co., physical apparatus | 38 44 |
| | Miss M. G. Clay, lettering diplomas | 41 25 |
| | C. J. Maynard & Co., | 11 70 |
| | J. M. Hansom, subscriptions | 9 00 |

| | | |
|---|---|---|
| | Wm. Purnell, stationery | 2 50 |
| | H. M. Frazier, electrical work | 19 24 |
| | Jos. Timmons, repairs on machinery | 5 00 |
| | Western Electric Co., electrical supplies | 49 95 |
| | W. W. H. Mustaine, petty cash account | 12 70 |
| | L. P. Milward, piano rent | 4 50 |
| | Wrenn & King, stationery | 3 00 |
| | Louisville Courier-Journal Co., diplomas | 69 00 |
| | W. J. Houlihan & Bros., repairs | 3 80 |
| | J. D. Purcell, cotton for M. E. Dept. | 4 41 |
| | Henry Schaffer, music for band | 12 00 |
| | H. H. Urmston, student labor | 3 80 |
| | The Fay Telephone Co., rental and tolls | 10 95 |
| | Dr. Geo. Lemger, Chemical Co., chemicals | 18 75 |
| | J. M. Hansom, subscriptions | 11 04 |
| | Lexington Water Co., water | 68 49 |
| | John Hutchison, broom and mops | 8 25 |
| | Eimer & Amend, chemicals | 26 26 |
| 20 | H. Troast, music | 25 00 |
| | Lexington Railway Co., water | 111 85 |
| | Brock & Co., tin work | 49 27 |
| | Keuffel & Esser Co., drawing material | 17 66 |
| | Jas. M. Byrnes, stationery and printing | 273 15 |
| | E. O. Kidd, lamps | 18 00 |
| | J. M. Davis, traveling expenses | 2 57 |
| | Miss Bird McAdams, music | 5 00 |
| | Smith, Watkins Co., hardware | 1 25 |
| | Barnes & Hall, chemicals | 89 90 |
| | Miss Bessie Monson, salary | 50 00 |
| | E. P. Johnson, plumbing | 14 25 |
| | McClure & Bain, stationery | 21 00 |
| | Transylvania Co., stationery and printing | 27 50 |
| | Combs Lumber Co., lumber | 24 18 |
| 22 | C. D. Cunningham, paints and oils | 33 54 |
| | H. E. Curtis, notary fee | 1 45 |
| | F. C. Elkins, postage | 20 00 |
| | Lexington Railway Co., lights | 74 75 |
| | Jas. K. Patterson, traveling expenses | 18 35 |
| | Combs Lumber Co., lumber | 79 10 |
| | C. D. Cunningham, paint | 1 90 |
| | Van Deren Hardware Co., hardware | 6 30 |
| | Jas. M. Byrnes, stationery and printing | 219 34 |
| | Lexington Democrat, advertising | 2 75 |
| | A. M. Miller, traveling expenses | 6 10 |
| | D. C. Frazee, pay-roll, student labor | 33 35 |
| | News Publishing Co., advertising | 25 00 |
| | McElhone & Maloney, plumbing | 148 58 |

| | |
|---|---|
| Cortell & Leonard, caps and gowns | 39 00 |
| J. G. White, mathematics | 289 20 |
| W. C. Bell, expenses, trustees meeting | 12 26 |
| Total | $13,767 36 |

## SUMMARY OF RECEIPTS AND EXPENDITURES FOR THE YEAR 1902-3.

### Receipts.

| | |
|---|---|
| 1902. | |
| Received in July | $ 68 77 |
| " " August | 21,386 00 |
| " " September | 3,495 50 |
| " " October | 4,513 05 |
| " " November | 26 75 |
| " " December | 9,928 03 |
| 1903. | |
| Received in January | 23,002 25 |
| " " February | 170 05 |
| " " March | 92 00 |
| " " April | 6,796 11 |
| " " May | 48 30 |
| " " June | 299 99 |
| | $69,826 80 |

### Expenditures.

| | | |
|---|---|---|
| 1902. | | |
| Overdrawn July 1 | | $ 6,581 48 |
| July | 1,354 85 | |
| August | 1,272 67 | |
| September | 1,167 79 | |
| October | 12,572 15 | |
| November | 5,750 49 | |
| December | 13,714 97 | |
| 1903. | | |
| January | 1,718 70 | |
| February | 6,613 44 | |
| March | 6,883 86 | |
| April | 5,982 91 | |
| May | 5,910 32 | |
| June | 13,767 36 | |
| Overdrawn July 1, 1902 | | 13,464 19 |
| | $83,290 99 | $83,290 99 |
| Overdrawn July 1, 1903 | | $13,464 19 |

## COLLEGIATE YEAR 1903-04.

### Faculty.

| | Faculty assistants and employes with salaries. | By whom appointed. |
|---|---|---|
| James K. Patterson, President, Professor of History, Political Economy and Metaphysics.. | $3,300 00 | Bd. Trus. |
| James G. White, Professor of Mathematics and Astronomy | 2,000 00 | " " |
| J. H. Neville, Vice-President, Professor of Greek and Latin | 2,000 00 | " " |
| W. K. Patterson, Principal of the Academy | 1,500 00 | " " |
| J. H. Kastle, Professor of Chemistry | 2,000 00 | " " |
| Ruric N. Roark, Principal of the Normal School | 2,000 00 | " " |
| J. W. Pryor, Professor of Anatomy and Physiology | 1,600 00 | " " |
| F. P. Anderson, Professor of Mechanical Engineering | 2,000 00 | " " |
| C. W. Mathews, Professor of Botany, Horticulculture and Agriculture | 2,000 00 | " " |
| A. M. Miller, Professor of Geology and Zoology. | 2,000 00 | " " |
| M. L. Pence, Professor in Physics | 2,000 00 | " " |
| Paul Wernicke, Professor of Modern Languages | 2,000 00 | " " |
| J. P. Brooks, Professor of Civil Engineering | 2,000 00 | " " |
| A. S. Mackenzie, Professor of English and Logic | 1,900 00 | " " |
| C. J. Norwood, Professor of Mining Engineering | (Paid by State.) | |
| J. T. Faig, Professor of Machine Design | 1,500 00 | " " |
| G. L. Eyroade, Commandant | (Paid by U. S. Gov.) | |
| Miss E. S. Kinkead, Lecturer on English Literature | 800 00 | " " |
| W. W. H. Mustaine, Physical Director | 1,000 00 | " " |
| Mrs. F. O. Stout, Physical Director | 800 00 | " " |

### Assistants.

| | | |
|---|---|---|
| J. L. Logan, Asst. in Academy | $1,200 00 | Bd. Trus. |
| R. L. Blanton, Asst. Professor Greek and Latin. | 1,300 00 | " " |
| J. M. Davis, Asst. in Academy | 1,100 00 | " " |
| J. R. Johnson, Asst. in Mathematics | 1,400 00 | " " |
| L. K. Frankel, Asst. in Mechanical Engineering. | 1,100 00 | " " |
| J. E. Winston, Ast. in Academy | 900 00 | " " |
| Milford White, Asst. in Normal School | 1,200 00 | " " |
| V. E. Muncy, Asst. in Academy | 1,000 00 | " " |
| A. R. Sawyer, Asst. in Electrical Engineering | 1,200 00 | " " |
| Joseph Dicker, Asst. in Mechanical Engineering | 700 00 | " " |
| A. G. Spillman, Asst. Inspector of Mines | (Paid by State.) | |

| | Faculty assistants and employes with salaries. | By whom appointed. |
|---|---|---|
| V. E. Muncy, Free-hand Drawing | 150 00 | " " |
| W. M. Marks, Asst. in Shop Work and Drawing. | 500 00 | " " |
| Gordon Thurman, Asst. in Wood Shop | 480 00 | " " |
| Harrison Garman, Lecturer on Agriculture | (Paid by Sta.) | Ex. Station. |
| J. N. Harper, Lecturer on Agriculture | (Paid by Station.) | " " |
| D. W. May, Lecturer on Animal Husbandry | (Paid by Station.) | " " |
| Chas. W. Dorsey, Lecturer on Soils | (Paid by U. S. Gov.) | |
| E. O. G. Kelley, Fellow and Asst. in Anatomy and Physiology | 150 00 | President. |
| Bessie L. Monson, Fellow and Asst. in Normal School | 150 00 | " |
| L. B. Sadler, Fellow and Asst. in Geology | 150 00 | " |
| Nellie H. Whitfield, Fellow and Asst. in Botany. | 150 00 | " |
| J. H. Clo, Fellow and Ast. in Physics | 150 00 | " |
| R. R. Hart, Fellow and Asst. in Chemistry | 150 00 | " |
| J. G. Lewis, Fellow and Assistant in Civil Engineering | 150 00 | " |
| R. Payne, Lecture Asst. in Mechanical Engineering | | |
| C. R. Smith, Lecture Asst. in Chemistry | 150 00 | " |
| T. T. Jones, Asst. in Classics | 500 00 | " |
| Miss M. R. White, Asst. in Mathematics | 300 00 | " |

**Other Officers and Employes.**

| | | |
|---|---|---|
| Mrs. L. B. Blackburn, Monitress | $ 800 00 | Bd. Trus. |
| Miss Mary Hodges, Stenographer | 600 00 | President. |
| D. C. Frazee, Business Agent | 1,200 00 | Bd. Trus. |
| Mrs. C. E. Wallis, Matron Patterson Hall | 480 00 | " " |
| R. A. Milligan, Carpenter | 700 00 | " " |
| Thos. Aubrey, Engineer | 480 00 | " " |
| James Murray, Florist | 480 00 | " " |
| J. T. Friley, watchman | 360 00 | " " |
| Six janitors | 1,095 00 | President. |
| R. S. Bullock | 100 00 | Bd. Trus. |
| Mrs. Jones | 420 00 | " " |

**RECEIPTS FOR THE MONTH OF JULY, 1903.**

| Date. 1903. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| | Received student fees | $ 36 30 |
| | Received student damages | 11 90 |
| | Weather bureau, for lights | 4 00 |

| | | |
|---|---|---|
| Received from Auditor, taxes..... | 402 79 | |
| *Received from Fayette Nat. Bk.... | 16,000 00 | (Bill payable.) |
| Total ..... | $16,454 99 | |
| Total in July, 1903 ..... | $16,454 99 | |
| Total expenditures ..... | 1,951 65 | |
| Overdraft July 1st ..... | 13,464 19 | |
| Total ..... | 15,415 84 | |
| Balance on hand August 1st ..... | $1,039 15 | |

*Money borrowed from Fayette National Bank.

## EXPENDITURES FOR THE MONTH OF JULY, 1903.

| Date. 1903. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| July 1 | Jos. Dicker, salary ..... | $ 50 00 |
| | D. C. Frazee, salary ..... | 100 00 |
| | Miss M. Hodges, salary ..... | 50 00 |
| | R. S. Bullock, salary..... | 8 34 |
| | Jas. Murray, salary ..... | 39 00 |
| | Thos. Aubrey, salary ..... | 40 00 |
| | R. A. Milligan, salary ..... | 58 34 |
| | John Smith, salary..... | 20 00 |
| | Washington Ellis, salary ..... | 8 65 |
| | Armstead Mitchell, salary ..... | 7 50 |
| | Charlie Williams, salary ..... | 5 00 |
| | J. T. Friley, salary ..... | 30 00 |
| | Mrs. Anna B. Jones, salary ..... | 25 00 |
| | Charlie Turner, salary..... | 8 33 |
| | S. T. Howard, salary ..... | 40 00 |
| | E. E. Ramey, salary ..... | 40 00 |
| | D. C. Frazee, petty cash account ..... | 23 28 |
| | Miss Jennie Offutt ..... | 2 00 |
| | D. C. Frazee, pay-roll, student labor ..... | 47 65 |
| | F. C. Elkins, P. O. box rent ..... | 1 00 |
| | Stoll & Co., alcohol ..... | 21 98 |
| | Hugh O'Neil, shoeing mule..... | 1 50 |
| | Albert McMichael, labor..... | 10 00 |
| | H. C. Neal & Co., furniture ..... | 12 95 |
| | Kinkead Coal Co., coal ..... | 22 93 |
| | Gentry Bros. ..... | 3 00 |
| 9 | Wards' Nat. Science Est., supplies ..... | 7 00 |
| | John Hutchison, soap and brushes ..... | 13 55 |

| | | |
|---|---|---|
| | E. S. DeLong, insurance | 40 40 |
| | Standard Oil Co., oil | 6 60 |
| | Kaufman, Straus Co., curtains | 5 20 |
| | Lexington Water Co., water | 76 19 |
| | Lexington Railway Co., lights | 73 40 |
| | R. N. Roark, summer school | 174 10 |
| | S. R. Van Dyke, stone work | 59 00 |
| 15 | F. C. Elkins, postage | 20 00 |
| | R. N. Roark, salary, summer school | 300 00 |
| | Milford White, salary, summer school | 225 00 |
| | J. A. Sharon, salary, summer school | 150 00 |
| | Miss Cora Williams, salary, summer school | 50 00 |
| | Jas. K. Patterson, Cambridge history | 8 56 |
| | F. P. Anderson, pay-roll, labor | 66 20 |
| | Total | $1,951 65 |

## RECEIPTS FOR THE MONTH OF AUGUST, 1903.

| | |
|---|---|
| Balance on hand August 1, 1903 | $1,039 15 |
| Received from Auditor, interest on bonds | 4,322 25 |
| Received from other sources | 6 50 |
| Total | $5,367 90 |
| Total amount received in August, 1903 | $5,367 90 |
| Total amount expended in August, 1903 | 1,372 45 |
| Balance on hand September 1, 1903 | $3,995 45 |

## EXPENDITURES FOR THE MONTH OF AUGUST, 1903.

| Date. 1903. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Aug. 7 | P. C. Grunnell, traveling expenses | 1 30 |
| | Jas. K. Patterson, salary | 275 00 |
| | Jos. Dicker, salary | 58 33 |
| | R. S. Bullock, salary | 8 33 |
| | D. C. Frazee, salary | 100 00 |
| | Miss M. Hodges, salary | 50 00 |
| | Jas. Murray, salary | 40 50 |
| | Thos. Aubrey, salary | 40 00 |
| | R. A. Milligan, salary | 58 33 |
| | John Smith, salary | 20 00 |
| | Charlie Williams, salary | 2 50 |
| | J. T. Friley, salary | 30 00 |
| | Mrs. A. B. Jones, salary | 35 00 |

| | | |
|---|---|---|
| | D. C. Frazee, petty cash account | 7 12 |
| | F. C. Elkins, postage | 20 00 |
| | F. C. Elkins, postage | 30 00 |
| | J. E. Mastin, student labor | 24 00 |
| | Harry J. Clo, traveling expenses | 71 91 |
| | Jas. K. Patterson, salary for August | 275 00 |
| | H. S. Fry, salary for August | 40 00 |
| | E. E. Ramey, salary for August | 40 00 |
| 12 | Kinkead Coal Co., coal | 81 70 |
| | H. J. Clo, traveling expenses | 27 93 |
| | East Tennessee Co., rentals and tolls | 6 75 |
| | F. C. Elkins, postage | 20 00 |
| | Jas. K. Patterson, traveling expenses | 8 75 |
| | Total | $1,372 45 |

**RECEIPTS FOR THE MONTH OF SEPTEMBER, 1903.**

| | |
|---|---|
| Balance on hand September 1, 1903 | $3,995 45 |
| Received from student fees | 3,600 00 |
| Received from other sources | 4 32 |
| Total | $7,599 77 |
| Total amount received in September | $7,599 77 |
| Total amount expended in September | 1,789 09 |
| Balance on hand October 1, 1903 | $5,810 68 |

**EXPENDITURES FOR THE MONTH OF SEPTEMBER, 1903.**

| Date. 1903. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Sept. 1 | Jos. Dicker, salary | $ 58 33 |
| | R. S. Bullock, salary | 8 33 |
| | D. C. Frazee, salary | 100 00 |
| | Miss Mary Hodges, salary | 50 00 |
| | Jas. Murray, salary | 39 00 |
| | Thos. Aubrey, salary | 40 00 |
| | R. A. Milligan, salary | 58 33 |
| | John Smith, salary | 20 00 |
| | Charlie Turner, salary | 9 00 |
| | E. E. Ramey, salary | 40 00 |
| | H. S. Fry, salary | 40 00 |
| | Mrs. Anna B. Jones, salary | 35 00 |
| | P. C. Grunnell, traveling expenses | 1 30 |
| | D. C. Frazee, petty cash account | 45 47 |

| | | |
|---|---|---|
| | D. C. Frazee, pay-roll, student labor | 33 50 |
| | A. Traliot, paints | 25 00 |
| | Lexington Water Co., water | 75 51 |
| | Standard Oil Co., oil and gasoline | 41 90 |
| | A. R. Sawyer, traveling expenses | 6 25 |
| | Geo. Land, lye, | 2 00 |
| | Hudson, Pohlman Co., hardware | 2 21 |
| | Imperial Brush Co., brushes | 28 00 |
| | Montenegro-Riehm Co., piano rent | 3 00 |
| | Byrnes & Lewis, feed | 10 60 |
| | Lexington Railway Co., lights | 17 95 |
| | John Hutchison, brooms and mops | 11 30 |
| | Lexington Leader, advertising | 12 50 |
| | Kentucky Advocate, advertising | 5 00 |
| | Woodford Sun, advertising | 5 00 |
| | The Democrat, advertising | 5 00 |
| | O. T. Wallace,, advertising | 12 50 |
| | Kentucky Gazette, advertising | 5 00 |
| | Public Ledger, advertising | 5 00 |
| | Corbin News Publishing Co., advertising | 5 00 |
| | The Interior Journal, advertising | 5 00 |
| | The Hart County News, advertising | 5 00 |
| | The Inquirer, advertising | 5 00 |
| | The Shelby News, advertising | 5 00 |
| | The Hopkinsville Kentuckian, advertising | 5 00 |
| | Mountain Echo, advertising | 5 00 |
| | Ashland Independent Publishing Co., advertising | 5 00 |
| | Farmers' Home Journal, advertising | 10 00 |
| | Owensboro Messenger, advertising | 5 00 |
| | Princeton Banner, advertising | 5 00 |
| | Barboursville News, advertising | 5 00 |
| | The Pantagraph, advertising | 5 00 |
| | Chas. B. Jones, Mgr., advertising | 5 00 |
| | Commonwealth Box and Printing Co., advertising | 5 00 |
| | Columbia Spectator, advertising | 5 00 |
| | Kentuckian Citizen, advertising | 5 00 |
| | Glasgow, Republican, advertising | 5 00 |
| | Todd County Progress, advertising | 5 00 |
| 2 | C. J. Norwood, petty cash account | 4 30 |
| | J. R. Johnson, traveling expenses | 1 50 |
| | W. T. Robertson, repairs | 40 50 |
| | American Tool Co., tools | 11 95 |
| | McElhone & Maloney, plumbing | 300 00 |
| | R. W. Nelson, traveling expenses | 9 25 |
| 18 | Miss Jimmie Offutt | 5 80 |
| 19 | Miss Lizzie Mahoney, student traveling expenses | 7 22 |
| | R. C. Terrill, student traveling expenses | 5 36 |

| | | |
|---|---|---|
| | Kinkead Coal Co., coal | 46 21 |
| | Big Sandy News, advertising | 5 00 |
| | Georgetown Times, advertising | 5 00 |
| | Fayette Home Telephone Co., rentals and tolls | 9 50 |
| | Knanth, Machord & Kechne | 4 32 |
| | F. C. Elkins, postage | 10 00 |
| | H. W. Wiesbrodt, stationery and supplies | 125 00 |
| | C. H. Gullion, advertising | 5 00 |
| 23 | J. B. Sprake, student labor | 1 30 |
| 24 | Milford White, traveling expenses | 10 00 |
| 29 | H. J. Clo, traveling expenses, road agent | 19 70 |
| | H. E. Curtis, treasurer athletic association | 150 00 |
| | Charlie Turner, salary | 5 00 |
| | J. T. Friley, salary | 30 00 |
| | Sun Sentinel, advertising | 5 00 |
| | Lexington Democrat, advertising | 5 00 |
| | Washington Ellis, salary | 6 00 |
| | Armstead Mitchell, salary | 9 00 |
| | Total | $1,789 09 |

## RECEIPTS FOR THE MONTH OF OCTOBER, 1903.

| | |
|---|---|
| Balance on hand October 1st | $5,810 68 |
| Received from other sources | 1 00 |
| Received from weather bureau, lights | 3 00 |
| Received from auditor taxes | 5,524 91 |
| Total | $11,339 59 |
| Total amount received in October | $11,339 59 |
| Total amount expended in October | 5,507 95 |
| Balance on hand October 1st | $5,831 64 |

## EXPENDITURES FOR THE MONTH OF OCTOBER, 1903.

| Date. 1903. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Oct. 1 | Jas. K. Patterson, salary | $275 00 |
| | J. H. Neville, salary | 200 00 |
| | R. L. Blanton, salary | 130 00 |
| | R. N. Roark, salary | 200 00 |
| | Milford White, salary | 120 00 |
| | W. K. Patterson, salary | 150 00 |
| | J. L. Logan, salary | 120 00 |
| | J. M. Davis, salary | 110 00 |

| | |
|---|---|
| V. E. Muncy, salary | 100 00 |
| J. E. Winston, salary | 90 00 |
| W. W. H. Mustaine, salary | 80 00 |
| Miss Florence Offutt, salary | 80 00 |
| Miss Elixaneth Kinkead, salary | 80 00 |
| P. Wernicke, salary | 200 00 |
| J. G. White, salary | 200 00 |
| J. H. Kastle, salary | 200 00 |
| F. P. Anderson, salary | 200 00 |
| A. M. Miller, salary | 200 00 |
| M. L. Pence, salary | 200 00 |
| J. P. Brooks, salary | 200 00 |
| A. S. Mackenzie, salary | 190 00 |
| C. W. Mothews, salary | 200 00 |
| J. W. Pryor, salary | 160 00 |
| J. R. Johnson, salary | 120 00 |
| J. T. Faig | 150 00 |
| A. R. Sawyer, salary | 120 00 |
| L. K. Frankel, salary | 110 00 |
| Jos. Dicker, salary | 58 34 |
| W. M. Marks, salary | 45 00 |
| R. S. Bullock, salary | 8 34 |
| D. C. Frazee, salary | 100 00 |
| Miss Mary Hodges, salary | 50 00 |
| Jas. Murray, salary | 39 00 |
| Thos. Aubrey, salary | 40 00 |
| R. A. Milligan, salary | 58 34 |
| John Smith, salary | 18 00 |
| Charlie Williams, salary | 5 00 |
| Pier Whiteman, salary | 20 00 |
| Piere Whiteman ,salary | 20 00 |
| Armstead Mitchell, salary | 25 00 |
| Charlie Turner, salary | 25 00 |
| J. T. Friley, salary | 30 00 |
| Remus Payne, salary | 40 00 |
| G. C. Tucker, salary | 40 00 |
| Mrs. Anna B. Jones, salary | 35 00 |
| Mrs. L. B. Blackburn, salary | 80 00 |
| H. B. Pope, salary | 5 00 |
| D. C. Frazee, student labor | 11 70 |
| D. C. Frazee, petty cash account | 78 17 |
| J. E. Mathews, student labor | 3 35 |
| Miss Martha White, salary | 30 00 |
| Jas. K. Patterson, traveling expenses | 7 15 |
| Dr. E. B. Voorhees | 15 00 |
| H. J. Clo, salary | 20 00 |
| Miss Nellie Whitfield, salary | 15 00 |

| | | |
|---|---|---|
| | R. B. Sadler, salary | 15 00 |
| | J. G. Lewis, salary | 10 00 |
| | E. O. Kelly, salary | 15 00 |
| | W. M. Marks, salary | 15 00 |
| | B. H. Hart, salary | 15 00 |
| | C. R. Smith, salary | 10 00 |
| 9 | P. N. Jackson, salary | 15 00 |
| | Robt. Barkley, salary | 10 00 |
| 13 | F. C. Elkins, postage | 25 00 |
| | Eugene Deitzgen, drawing material | 94 50 |
| | Jas. K. Patterson, traveling expenses | 3 90 |
| | T. T. Jones, salary | 45 00 |
| | Kinkead Coal Co., coal | 116 71 |
| | Jas. K. Patterson, traveling expenses | 10 45 |
| | Total | $5,507 95 |

## RECEIPTS FOR THE MONTH OF NOVEMBER, 1903.

| | |
|---|---|
| Balance on hand November 1st | $5,831 64 |
| Received from fees | 83 75 |
| Received from other sources | 9 40 |
| Total | $5,924 79 |
| Total amount expended in September | $9,638 65 |
| Total amount received in September | 5,924 79 |
| Ooverdrawn December 1, 1903 | $3,713 86 |

## EXPENDITURES FOR THE MONTH OF NOVEMBER, 1903.

| Date. 1903. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Nov. 2 | Jas. Patterson, salary | $275 00 |
| | J. H. Neville, salary | 200 00 |
| | B. L. Blanton, salary | 130 00 |
| | R. N. Roark, salary | 200 00 |
| | Milford White, salary | 120 00 |
| | W. K. Patterson, salary | 150 00 |
| | J. L. Logan, salary | 120 00 |
| | J. M. Davis, salary | 110 00 |
| | V. E. Muncy, salary | 100 00 |
| | J. E. Winston, salary | 90 00 |
| | W. W. H. Mustaine, salary | 80 00 |
| | Miss Florence Offutt, salary | 80 00 |
| | Miss Elizabeth Kinkead, salary | 80 00 |

| | |
|---|---|
| P. Wernicke, salary | 200 00 |
| Jas. G. White, salary | 200 00 |
| J. H. Kastle, salary | 200 00 |
| F. P. Anderson, salary | 200 00 |
| A. M. Miller, salary | 200 00 |
| M. L. Pence, salary | 200 00 |
| J. P. Brooks, salary | 200 00 |
| A. S. Mackenzie, salary | 190 00 |
| C. W. Mathews, salary | 200 00 |
| J. W. Pryor, salary | 160 00 |
| J. R. Johnson, salary | 120 00 |
| J. T. Faig, salary | 150 00 |
| A. R. Sawyer, salary | 120 00 |
| L. K. Frankel, salary | 110 00 |
| Jos. Dicker, salary | 58 33 |
| W. M. Marks, salary | 30 00 |
| Miss Martha White, salary | 30 00 |
| R. S. Bullock, salary | 8 33 |
| D. C. Frazee, salary | 100 00 |
| Miss M. Hodges, salary | 50 00 |
| Jas. Murray, salary | 40 50 |
| Thos. Aubrey, salary | 40 00 |
| R. A. Milligan, salary | 58 33 |
| John Smith, salary | 13 00 |
| Pier Whiteman, salary | 20 00 |
| Armstead Mitchell, salary | 25 00 |
| Charlie Turner, salary | 25 00 |
| J. T. Friley, salary | 30 00 |
| Remus Payne, salary | 40 00 |
| Mrs. Anna B. Jones | 35 00 |
| G. C. Tucker, salary | 40 00 |
| Mrs. L. B. Blackburn, salary | 80 00 |
| H. B. Pope, salary | 5 00 |
| Miss Nellie Whitfield, salary | 15 00 |
| B. H. Hart, salary | 15 00 |
| H. J. Clo., salary | 20 00 |
| H. G. Barkley, salary | 10 00 |
| R. B. Sadler, salary | 15 00 |
| E. O. G. Kelly, salary | 15 00 |
| C. R. Smith, salary | 10 00 |
| Jas. Lewis, salary | 10 00 |
| T. T. Jones, salary | 45 00 |
| Mayfield Weekly Monitor, advertising | 5 00 |
| Paintsville Herald, advertising | 5 00 |
| D. C. Frazee, petty cash account | 47 74 |
| N. L. Clo, student traveling expenses | 6 00 |
| J. E. Mathews, janitor service | 6 00 |

| | | |
|---|---|---|
| | Charlie Williams, salary | 5 00 |
| | Washington Ellis, salary | 20 00 |
| 6 | Miss Florence Offutt, extra work in gymnasium | 6 00 |
| | Queen City Supply Co., supplies | 460 13 |
| | Thos. Sheehan, repairs | 358 13 |
| | J. J. Fitzgerald, plumbing | 174 43 |
| | American Machinist advertising | 10 00 |
| | Keuffel, Esser Co., drawing material | 67 59 |
| | C. C. Stoll & Co., oil | 40 37 |
| | E. E. Ramey, labor | 8 25 |
| | B. A. Logan, advertising | 4 00 |
| | J. Hary Clo, traveling expenses | 66 82 |
| | J. H. Staples, plastering | 89 00 |
| | F. C. Elkins, postage | 20 00 |
| | Lexington Water Co., water | 138 61 |
| | Eimer & Amend, chemicals | 448 76 |
| | J. M. Greenway, books and stationery | 72 55 |
| | Miss Allen Lake, | 15 00 |
| | Kinkead Coal Co., coal | 333 07 |
| | Eugene Deitzgen Co., drawing material | 36 40 |
| | J. H. Hostetter, freight and drayage | 91 91 |
| | F. P. Anderson, pay-roll, student labor | 78 04 |
| | G. E. Stechert, subscriptions | 115 47 |
| | A. M. Offutt, lumber | 26 12 |
| | Lexington Eng. & Saw Co., boiler repairs | 27 50 |
| | Spono Chamberlain | 2 63 |
| | American Type Foundry, boiler repairs | 5 48 |
| | The Construction News, advertising | 5 00 |
| | American Society, advertising | 12 00 |
| | Simpkinson & Miller | 6 75 |
| | R. R. Harting, repairs | 1 50 |
| | H. H. Weisbrodt, cuts | 2 25 |
| | N. A. Newton | 10 35 |
| | Manufacturers' Record Pub Co., subscription | 7 50 |
| | Sebastian Lath Co., repairs | 3 00 |
| | American Tool Co., files | 3 95 |
| | Railway Age, subscription | 3 75 |
| | Railroad Gazette, subscription | 6 50 |
| | Swain Lubricating Co., light fixtures | 6 00 |
| | M. F. Davidson | 13 60 |
| | Golding & Co., supplies | 2 65 |
| | J. L. Watson, cotton | 4 00 |
| | Standard Oil Co., oil and gasoline | 106 58 |
| | Hugh O'Neil, shoeing mule | 1 50 |
| | J. T. Faig, traveling expenses | 9 18 |
| | J. E. Winston, traveling expenses | 11 50 |
| | Uranus Hord, supplies | 10 25 |

| | | |
|---|---|---|
| | Lex. Democrat, advertising | 4 50 |
| | E. C. Kidd, lamps and burners | 16 05 |
| | Queen & Co., apparatus | 88 50 |
| | A. H. Andrews & Co., supplies | 8 00 |
| | W. S. Bradley, brooms and mops | 1 50 |
| | John Hutchison, soap | 5 60 |
| | Phoenix Hotel Co., meals for trustees | 24 00 |
| | L. des Cognets Co., coal | 36 83 |
| | J. M. McCollough, books | 12 28 |
| | Kaufman & Straus Co., cotton | 2 40 |
| | R. N. Roark, card case | 11 55 |
| 11 | Vaughn's Seed Store, seeds | 7 06 |
| | Orange Judd Co., magazine | 12 47 |
| | Bausch & Lomb Opt. Co., instrument | 77 33 |
| | A. K. Lyon | 1 00 |
| | John Wiley & Sons, books | 5 57 |
| | S. M. Coulter, supplies for botany | 3 35 |
| | Henry Heil Chem. Co., chemicals | 1 17 |
| | D. Appleton & Co., books | 2 00 |
| | Chicago Lab. Supply Co., apparatus | 33 39 |
| | Harvard Physiological Supply Co., supplies | 32 75 |
| | Grassellie Chemical Co., chemicals | 8 27 |
| | W. N. May, soap and brooms | 19 40 |
| | T. W. Gleason, physics | 2 20 |
| | Standard Electric Co., elec. supplies | 26 04 |
| | Dodd Mead Co., supplies for English | 90 44 |
| | A. Traliot, paints | 15 30 |
| | Anderson & Dudly, lamps and burners | 9 80 |
| | Jas. Clark & Co. ,hardware | 2 70 |
| | L. M. Prince, drawing material | 114 44 |
| | Sublett & Sublett, advertising | 5 00 |
| | J. M. Hocker & Son, insurance | 39 00 |
| | R. Arnspiger, insurance | 36 00 |
| | L. Royalty, insurance | 39 00 |
| | Geo. S. Weeks, insurance | 39 00 |
| | G. A. DeLong, insurance | 39 00 |
| | Whithall Tatum Co | 22 11 |
| | H. H. Urmston, labor | 6 12 |
| | Shouse & Looney, supplies | 33 62 |
| | J. S. Poer & Co., paints | 30 05 |
| | J. H. March, chairs | 23 00 |
| | J. M. Hansom, subscriptions | 36 16 |
| | Observer Printing Co., advertising | 5 00 |
| | Ethel Reid | 18 00 |
| | Miss Florence Offutt, extra work in gym | 5 00 |
| 22 | Jas. K. Patterson, traveling expenses | 78 80 |
| | W. H. Holland, advertising | 5 00 |

| | |
|---|---|
| Jessamine Journal, advertising | 5 00 |
| J. H. Garman, traveling expenses | 19 80 |
| F. P. Anderson, traveling expenses | 52 50 |
| W. J. Shoene, Treas. Patterson Lit. Soc | 10 00 |
| Lee Anderson, janitor service | 4 00 |
| Lex. Railway Co., lights | 289 50 |
| F. C. Elkins, postage | 25 00 |
| Mrs. H. B. Adams, accompanist | 5 00 |
| Total | $9,638 65 |

## RECEIPTS FOR THE MONTH OF DECEMBER, 1903.

| | |
|---|---|
| Received from United States Government, Act 1890 | $21,375 00 |
| Received from student fees | 26 00 |
| Total | $21,401 00 |
| Total amount expended in December | $25,372 49 |
| Overdraft December 1st | 3,713 86 |
| | $29,086 35 |
| Total amount received | 21,401 00 |
| Overdrawn January 1, 1904 | $7,685 35 |

## EXPENDITURES FOR THE MONTH OF DECEMBER, 1903.

| Date. 1903. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Dec. 1 | Charles Merriweather, expert accountant | $200 00 |
| 7 | R. S. Bullock note and interest | 16,314 00 |
| | R. S. Bullock, making special bond | 170 50 |
| | Kinkead Coal Co., coal | 521 25 |
| | The Review, advertising | 5 00 |
| | R. M. Childers, Mining Dept | 26 00 |
| | F. C. Elkins, postage | 25 00 |
| | R. W. Nelson, expenses trustees' meeting | 12 50 |
| | J. H. Hager, expenses trustees' meeting | 15 00 |
| | Mrs. Allen Lake, house rent, Maj. Byroade | 30 00 |
| | Miss Florence Offutt, salary | 80 00 |
| | Jas. K. Patterson, salary | 275 00 |
| | J. H. Neville, salary | 200 00 |
| | R. L. Blanton, salary | 130 00 |
| | R. N. Roark, salary | 200 00 |
| | Milford White, salary | 120 00 |
| | W. K. Patterson, salary | 150 00 |

| | | |
|---|---|---|
| | J. L. Logan, salary | 120 00 |
| | J. M. Davis, salary | 110 00 |
| | V. E. Muncy, salary | 100 00 |
| | J. E. Winston, salary | 90 00 |
| | W. W. H. Mustaine, salary | 140 00 |
| | P. Wernicke, salary | 200 00 |
| | Miss Elizabeth Kinkead, salary | 80 00 |
| | J. G. White, salary | 200 00 |
| | J. H. Kastle, salary | 200 00 |
| | F. P. Anderson, salary | 200 00 |
| | A. M. Miller, salary | 200 00 |
| | M. L. Pence, salary | 200 00 |
| | J. P. Brooks, salary | 200 00 |
| | C. W. Mathews, salary | 200 00 |
| | J. W. Pryor, salary | 160 00 |
| | J. R. Johnson, salary | 120 00 |
| | J. T. Faig, salary | 150 00 |
| | A. R. Sawyer, salary | 120 00 |
| | L. K. Frankel, salary | 110 00 |
| | Jos. Dicker, salary | 58 33 |
| | W. M. Marks, salary | 45 00 |
| | Miss Martha White, salary | 30 00 |
| | R. S. Bullock, salary | 8 33 |
| | D. C. Frazee, salary | 100 00 |
| | Miss M. Hodges, salary | 50 00 |
| | Jas. Murray, salary | 37 50 |
| | Thos. Aubrey, salary | 40 00 |
| | R. A. Milligan, salary | 58 33 |
| | John Smith, salary | 18 00 |
| | Charlie Williams, salary | 5 00 |
| | Washington Ellis, salary | 20 00 |
| | Pier Whiteman, salary | 20 00 |
| | Armstead Mitchell, salary | 25 00 |
| | Charlie Turner, salary | 25 00 |
| | H. B. Pope, salary | 5 00 |
| | J. T. Friley, salary | 30 00 |
| | Remus Payne, salary | 40 00 |
| | Jas. Johns, salary | 40 00 |
| | Mrs. Anna B. Jones, salary | 35 00 |
| | Mrs. L. B. Blackburn, salary | 80 00 |
| | Miss Nellie Whitfield, salary | 15 00 |
| | B. H. Hart, salary | 15 00 |
| 11 | H. J. Clo, salary | 20 00 |
| | R. H. Barkley, salary | 10 00 |
| | R. B. Sadler, salary | 15 00 |
| | E. G. Kelly, salary | 15 00 |
| | J. G. Lewis, salary | 10 00 |

| | | |
|---|---|---|
| | C. R. Smith, salary | 10 00 |
| | T. T. Jones, salary | 45 00 |
| | The Pendletonian, advertising | 5 00 |
| 16 | H. H. Urmston, labor | 6 54 |
| | J. E. Mathews, trumpeter | 7 00 |
| | N. L. Clo, student traveling expenses | 12 00 |
| | H. H. Magee, traveling expenses | 15 00 |
| | Tibbis Carpenter, expenses trustees' meeting | 32 00 |
| | John McChord, expenses trustees' meeting | 9 50 |
| | W. C. Bell, expenses trustees' meeting | 4 10 |
| | Combs Lumber Co., lumber | 328 54 |
| | McAdams & Morford, drugs | 95 |
| | McElhone & Moloney, plumbing | 97 82 |
| | T. B. Duhurst, athletic goods | 7 00 |
| | W. S. Bradley, soap and brooms | 13 63 |
| | Bausch & Lomb Opt. Co., instruments | 3 75 |
| | Dodge & Slade, insurance | 10 21 |
| 17 | Dean Bros., pump works | 1 00 |
| | Henry A. Dreer, seed | 81 |
| | S. Cramer Dry Plate Co., photo plates | 9 00 |
| | Fort Wayne Electric Co., electrical supplies | 3 87 |
| | H. B. Washington, repairing boiler | 3 00 |
| | E. P. Johnson, plumbing | 151 99 |
| | Harvard Physiological Co., apparatus | 2 56 |
| | Lexington Democrat, advertising | 2 50 |
| | J. H. Hostetter, freight and drayage | 3 22 |
| | T. B. Hay & Co., hardware | 26 90 |
| | A. W. Hall, supplies | 8 10 |
| | The Ramsey Syndicate, supplies | 1 50 |
| | L. M. Prince, drawing material | 21 15 |
| | Lawrence Hall Elec. Co., electrical supplies | 4 52 |
| | Homer, Omen, Renchler, supplies | 8 25 |
| | W. H. May, brooms and mops | 5 40 |
| | Queen City Supply Co., supplies | 3 44 |
| | Queen & Co., apparatus | 19 07 |
| | William Purnell, books | 37 40 |
| | Chas. A. Strelinger, subscriptions | 7 31 |
| | Jas. M. Byrnes, stationery and printing | 107 46 |
| | C. D. Cunningham, paints and oil | 142 02 |
| | C. F. Brower & Co., furniture | 164 00 |
| | McClure & Bain, stationery and printing | 204 70 |
| | Masters & Bean, paints and oil | 47 95 |
| | William Brown Earl, labor | 9 00 |
| | H. W. Weisbrodt, half-tone engravings | 2 50 |
| | Whitall, Tatum Co., instruments | 4 00 |
| | Brock & Co., repairs | 44 20 |
| | William Read & Sons, supplies | 55 12 |
| | J. Boreing, typewriting | 14 40 |

| | | |
|---|---|---|
| | Fayette Home Tel. Co., rentals and toll | 9 50 |
| | Vogt & Foley, soap and brooms | 75 |
| | F. C. Elkins, postage | 8 00 |
| | Transylvania Co., stationery and printing | 358 56 |
| | Standard Oil Co., oil and gasoline | 31 28 |
| | Lexington Water Co., water | 48 24 |
| | W. S. Bradley, soap | 4 00 |
| | D. C. Frazee, current expenses | 41 37 |
| | A. S. Mackenzie, salary | 190 00 |
| 19 | Louisville Courier-Journal, advertising | 71 65 |
| | J. J. Fitzgerald, plumbing | 79 93 |
| | Lexington Leader, advertising | 10 40 |
| | Simpkinson Miller, supplies | 10 10 |
| | G. B. Sharp, labor | 1 75 |
| | J. W. Stoll, insurance | 156 00 |
| | G. DeLong, insurance | 122 00 |
| | L. Royalty, insurance | 39 00 |
| | McElhone & Moloney, plumbing | 6 42 |
| | Smith, Watkins & Co., hardware | 48 06 |
| | Van Deren Hardware Co., hardware | 91 23 |
| | Masters & Bean, paints | 7 60 |
| | Hudson, Polham Co., hardware | 3 68 |
| | Bausch & Lomb Opt. Co., apparatus | 8 95 |
| | McD. Ferguson, expenses trustees' meeting | 30 90 |
| 22 | R. Arnspiger, insurance | 24 00 |
| | Total | $25,372 49 |

## RECEIPTS FOR THE MONTH OF JANUARY, 1904.

| | | |
|---|---|---|
| Received from Auditor, taxes | | $25,000 00 |
| Received from Auditor, int. on bonds | | 4,322 25 |
| Received from Weather Bureau, lights | | 3 00 |
| Received from student fees | | 248 50 |
| Received from interest on deposits | | 19 00 |
| Received from other sources | | 7 50 |
| Total | | $29,600 25 |
| Total amount expended | $7,963 33 | |
| Overdraft | 7,685 35 | |
| Total | $15,650 68 | |
| Total amount received | | $29,600 25 |
| Total amount expended | | 15,650 68 |
| Balance on hand February 1st | | $13,949 57 |

## EXPENDITURES FOR THE MONTH OF JANUARY, 1904.

| Date 1904. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Jan. 1 | F. C. Elkins, postage | $ 21 00 |
| | Jas. K. Patterson, salary | 275 00 |
| | J. H. Neville, salary | 200 00 |
| | R. L. Blanton, salary | 130 00 |
| | R. N. Roark, salary | 200 00 |
| | Milford White, salary | 120 00 |
| | W. K. Patterson, salary | 150 00 |
| | J. L. Logan, salary | 120 00 |
| | J. M. Davis, salary | 110 00 |
| | V. E. Muncy, salary | 100 00 |
| | J. E. Winston, salary | 90 00 |
| | W. W. H. Mustaine, salary | 100 00 |
| | P. Wernicke, salary | 200 00 |
| | Mrs. Florence Stout, salary | 80 00 |
| | Miss Elizabeth Kinkead, salary | 80 00 |
| | J. G. White, salary | 200 00 |
| | J. H. Kastle, salary | 200 00 |
| | F. P. Anderson, salary | 200 00 |
| | A. M. Miller, salary | 200 00 |
| | M. L. Pence, salary | 200 00 |
| | J. P. Brooks, salary | 200 00 |
| | A. S. MacKenzie, salary | 190 00 |
| | C. W. Mathews, salary | 200 00 |
| | J. W. Pryor, salary | 160 00 |
| | J. R. Johnson, salary | 120 00 |
| | J. T. Faig, salary | 150 00 |
| | A. R. Sawyer, salary | 120 00 |
| | L. K. Frankel, salary | 110 00 |
| | Jos. Disker, salary | 58 33 |
| | W. M. Marks, salary | 45 00 |
| | Miss Martha White, salary | 30 00 |
| | R. S. Bullock, salary | 8 33 |
| | D. C. Frazee, salary | 100 00 |
| | Miss M. Hodges, salary | 40 00 |
| | Jas. Murray, salary | 40 50 |
| | Thos. Aubrey, salary | 40 00 |
| | R. A. Milligan, salary | 23 33 |
| | John Smith, salary | 18 00 |
| | Charlie Williams, salary | 5 00 |
| | Washington Ellis, salary | 20 00 |
| | Pier Whiteman, salary | 20 00 |
| | Armstead Mitchell, salary | 25 00 |
| | Charlie Turner, salary | 25 00 |
| | H. B. Pope, salary | 5 00 |

| | | |
|---|---|---|
| | J. T. Friley, salary | 30 00 |
| | Remus Payne, salary | 40 00 |
| | Jas. Johns, salary | 40 00 |
| | Mrs. Anna B. Jones, salary | 35 00 |
| | Mrs. L. Blackburn, salary | 80 00 |
| | Miss Nellie Whitfield, salary | 15 00 |
| | B. R. Hart, salary | 15 00 |
| | J. H. Clo, salary | 20 00 |
| | R. H. Barkley, salary | 10 00 |
| | R. B. Sadler, salary | 15 00 |
| | E. G. Kelly, salary | 15 00 |
| | Claude R. Smith, salary | 10 00 |
| | J. G. Lewis, salary | 10 00 |
| | T. T. Jones, salary | 45 00 |
| 11 | D. C. Frazee, petty cash account | 37 75 |
| | D. C. Frazee, pay-roll, student labor | 72 42 |
| | J. E. Mathews, trumpeter | 5 29 |
| | J. K. Patterson, traveling expenses | 12 55 |
| | Kinkead Coal Co., coal | 859 11 |
| | John McChord, expenses trustees' meeting | 8 15 |
| | W. C. Bell, expenses trustees' meeting | 7 35 |
| | Jas. Rumsey, repairs on cart | 23 50 |
| | Somerset Journal, advertising | 5 00 |
| | Democrat Pub. Co., advertising | 5 00 |
| | W. T. Sharp, firing boiler night | 13 00 |
| | Forster & Lusby | 85 |
| | H. B. DeLong, music | 5 00 |
| | Municipal Eng. Co., subscription | 2 00 |
| | J. M. Hansom, subscription periodicals | 9 00 |
| | Mrs. Allen Lake, house rent | 30 00 |
| | W. J. Houlihan & Bro., stoves and repairs | 34 85 |
| | Fort Wayne Elec. Works, supplies | 65 00 |
| | Byrnes & Lewis, feed | 19 71 |
| | The New York & Ohio Co., light supplies | 42 54 |
| | Lex. Hyd. & Mfg. Co., water | 96 45 |
| | Standard Oil Co., oil and gasoline | 100 10 |
| | H. W. Weisbrodt, half-tone | 64 90 |
| | Eimer & Amend, chemicals | 44 61 |
| 16 | Lex. Railway Co., lights | 328 70 |
| 22 | Tibbis Carpenter, expenses trustees' meeting | 66 05 |
| 23 | Jas. K. Patterson, traveling expenses | 12 60 |
| | Lex. Lumber Co., lumber | 610 41 |
| | Farley Transfer Co., frt. and drayage | 99 72 |
| | Kaufman & Straus Co., cotton | 1 95 |
| | D. Van Nostran Co., supplies | 10 66 |
| | J. B. Lippincott Co., supplies | 8 91 |
| | The Globe Wernicke Co., cases | 2 25 |
| | L. M. Prince, drawing materials | 36 30 |

| | | |
|---|---|---|
| | J. A. Fay & Egan Co., supplies | 10 00 |
| | F. A. Hopkins, expenses trustees' meeting | 12 50 |
| | T. B. Hay & Co., hardware | 1 19 |
| | Chas. A. Strilinger Co., drawing material | 18 24 |
| | M. A. Bosworth | 1 00 |
| | McAdams & Morford, druggist | 1 50 |
| | Homer, Commuter Co., supplies | 8 48 |
| | Smith, Watkins & Co., hardware company | 5 90 |
| | Jessamine News, advertising | 5 00 |
| | Jas. A. Milton, plumbing | 15 10 |
| | H. H. Urmston, student labor | 5 25 |
| 25 | F. C. Elkins, postage | 20 00 |
| | Total | $7,965 33 |

## RECEIPTS FOR THE MONTH OF FEBRUARY, 1904.

| | |
|---|---|
| Balance on hand February 1st | $13,949 57 |
| Received, student fees | 75 00 |
| Received, rent on cottage | 25 00 |
| Total | $14,049 57 |
| Total amount receipts for February | $14,049 57 |
| Total amount expended for February | 6,841 60 |
| Balance on hand March 1, 1904 | $7,207 97 |

## EXPENDITURES FOR THE MONTH OF FEBRUARY, 1904.

| Date. 1904. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Feb. 1 | Jas. K. Patterson, salary | $275 00 |
| | J. H. Neville, salary | 200 00 |
| | R. L. Blanton, salary | 130 00 |
| | R. N. Roark, salary | 200 00 |
| | Milford White, salary | 120 00 |
| | W. K. Patterson, salary | 150 00 |
| | J. L. Logan, salary | 120 00 |
| | J. M. Davis, salary | 110 00 |
| | V. E. Muncy, salary | 100 00 |
| | J. E. Winston, salary | 90 00 |
| | W. W. H. Mustaine, salary | 100 00 |
| | P. Wernicke, salary | 200 00 |
| | Mrs. F. O. Stout, salary | 80 00 |
| | Miss Elizabeth Kinkead, salary | 80 00 |
| | J. G. White, salary | 200 00 |

| | | |
|---|---|---|
| | J. H. Kastle, salary | 200 00 |
| | F. P. Anderson, salary | 200 00 |
| | A. M. Miller, salary | 200 00 |
| | M. L. Pence, salary | 200 00 |
| | J. P. Brooks, salary | 200 00 |
| | A. S. MacKenzie, salary | 190 00 |
| | C. W. Mathews, salary | 200 00 |
| | J. W. Fryor, salary | 160 00 |
| | J. R. Johnson, salary | 120 00 |
| | J. T. Faig, salary | 150 00 |
| | A. R. Sawyer, salary | 120 00 |
| | L. K. Frankel, salary | 110 00 |
| | Jos. Dicker, salary | 58 34 |
| | W. M. Marks, salary | 45 00 |
| | Miss Martha White, salary | 30 00 |
| | R. S. Bullock, salary | 8 34 |
| | D. C. Frazee, salary | 100 00 |
| | Miss M. Hodges, salary | 50 00 |
| | Jas. Murray, salary | 39 00 |
| | Thos. Aubrey, salary | 40 00 |
| | R. A. Milligan, salary | 58 34 |
| | John Smith, salary | 18 00 |
| | Charlie Williams, salary | 5 00 |
| | Washington Ellis, salary | 20 00 |
| | Pier Whitman, salary | 20 00 |
| | A. Mitchell, salary | 25 00 |
| | Charlie Turner, salary | 25 00 |
| | H. P. Pope, salary | 5 00 |
| | J. T. Friley, salary | 30 00 |
| | Remus Payne, salary | 40 00 |
| | Jas. Johns, salary | 40 00 |
| | Mrs. A. B. Jones, salary | 35 00 |
| | Mrs. L. B. Blackburn, salary | 80 00 |
| | Miss Nellie Whitfield, salary | 15 00 |
| | B. R. Hart, salary | 15 00 |
| | J. H. Clo, salary | 20 00 |
| | R. H. Barkley, salary | 10 00 |
| | R. B. Sadler, salary | 15 00 |
| | E. G. Kelly, salary | 15 00 |
| | C. R. Smith, salary | 10 00 |
| | J. G. Lewis, salary | 10 00 |
| | T. T. Jones, salary | 45 00 |
| | J. E. Winston, extra class | 15 00 |
| | D. C. Frazee, petty cash account | 64 76 |
| | J. E. Mathews, trumpeter | 7 00 |
| | H. B. DeLong, accompanist | 5 00 |
| 5 | Kinkead Coal Co., coal | 825 42 |

| | | |
|---|---|---|
| | Western Union Tel. Co., telegrams | 4 10 |
| 6 | Jas. K. Patterson, traveling expenses | 7 85 |
| | N. L. Clo, student labor | 12 00 |
| | R. S. Bullock, int. on O. D | 29 22 |
| 13 | J. K. Patterson, traveling expenses | 16 30 |
| 16 | F. C. Elkins, postage | 20 00 |
| 19 | H. H. Urmston, clerk | 6 12 |
| | The Milward Co., piano rent | 12 50 |
| | W. H. Garman, fixing beds | 3 50 |
| | The MacMillan Co., books | 9 96 |
| | Bausch & Lomb Opt. Co., instruments | 71 71 |
| | E. Bitterman & Son, repairs | 88 76 |
| | Fayette Tel. Co., rentals | 9 00 |
| | Lexington Railway Co., lights | 103 80 |
| | E. O. Hausburg, dials for clock | 1 50 |
| | J. R. Ward, advertising | 5 00 |
| | Mrs. Allen Lake, rent on house | 30 00 |
| | Vaughn Seed Store, seed | 18 50 |
| | C. W. Mathews, petty cash account | 12 50 |
| | Henry A. Dreer, seed and bulbs | 25 17 |
| | Standard Oil Co., oil and gasoline | 73 95 |
| | W. H. May, brooms, etc | 9 50 |
| | Standard Electric Co., electrical supplies | 5 35 |
| | Eugene Deitzgene, supplies | 20 30 |
| | Merck & Co., supplies | 6 38 |
| | Masters & Bean, paints | 2 50 |
| | John Wiley & Son, books | 3 78 |
| | Street Railway Journal, subscription | 4 00 |
| | Orange Judd Co., advertising | 8 40 |
| | Farmers' Home Journal, advertising | 12 00 |
| | Inland Farmer Pub. Co., advertising | 2 50 |
| | Home & Farm Pub. Co., advertising | 16 80 |
| | Wm. Purnell, books | 15 80 |
| | McClure & Bronston, stationery | 1 90 |
| | Engineering News Pub. Co., advertising | 10 40 |
| | H. W. Weisbrodt, cuts | 21 50 |
| | L. des Cognets & Co., lime | 7 50 |
| | F. F. Rick, lumber | 15 20 |
| 20 | John Hutchison, mops and brooms | 1 75 |
| | John McChord, expenses trustees' meeting | 19 65 |
| | E. E. Ramey, advertising; | 5 50 |
| | Queen & Co., apparatus | 40 25 |
| | Total | $6,841 60 |

## RECEIPTS FOR THE MONTH OF MARCH, 1904.

| | |
|---|---|
| Balance on hand March 1st | $7,207 97 |
| Received from Auditor, taxes | 5,742 49 |
| Received from student fees | 22 50 |
| Total | $12,972 96 |
| Total amount received in March | $12,972 96 |
| Total amount expended in March | 6,519 96 |
| Balance on hand April 1, 1904 | $6,453 00 |

## EXPENDITURES FOR THE MONTH OF MARCH, 1904.

| Date. 1904. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Mar. 1 | Jas. K. Patterson, salary | $275 00 |
| | J. H. Neville, salary | 200 00 |
| | R. L. Blanton, salary | 130 00 |
| | R. N. Roark, salary | 200 00 |
| | Milford White, salary | 120 00 |
| | W. K. Patterson, salary | 150 00 |
| | J. L. Logan, salary | 120 00 |
| | J. M. Davis, salary | 110 00 |
| | V. E. Muncy, salary | 100 00 |
| | J. E. Winston, salary | 105 00 |
| | W. W. H. Mustaine, salary | 100 00 |
| | P. Wernicke, salary | 200 00 |
| | Mrs. R. L. Stout, salary | 80 00 |
| | Miss Elizabeth Kinkead, salary | 80 00 |
| | J. G. White, salary | 200 00 |
| | F. P. Anderson, salary | 200 00 |
| | A. M. Miller, salary | 200 00 |
| | J. H. Kastle, salary | 200 00 |
| | M. L. Pence, salary | 200 00 |
| | J. P. Brooks, salary | 200 00 |
| | A. S. Mackenzie, salary | 190 00 |
| | C. W. Mathews, salary | 200 00 |
| | J. W. Pryor, salary | 160 00 |
| | J. R. Johnson, salary | 120 00 |
| | J. T. Faig, salary | 150 00 |
| | A. R. Sawyer, salary | 120 00 |
| | L. K. Frankel, salary | 110 00 |
| | Jos. Dicker, salary | 58 33 |
| | W. M. Marks, salary | 45 00 |
| | Miss Martha White, salary | 45 00 |

| | | |
|---|---|---|
| | Jas. Murray, salary | 37 50 |
| | R. S. Bullock, salary | 8 33 |
| | D. C. Frazee, salary | 100 00 |
| | Miss M. Hodges, salary | 50 00 |
| | Thos. Aubrey, salary | 40 00 |
| | R. A. Milligan, salary | 58 33 |
| | John Smith, salary | 18 00 |
| | Charlie Williams, salary | 5 00 |
| | Pier Whiteman, salary | 20 00 |
| | Washington Ellis, salary | 20 00 |
| | Armstead Mitchell, salary | 25 00 |
| | Charlie Turner, salary | 25 00 |
| | J. T. Friley, salary | 30 00 |
| | Remus Payne, salary | 40 00 |
| | Jas. Johns, salary | 40 00 |
| | H. B. Pope, salary | 5 00 |
| | Mrs. Anna B. Jones, salary | 35 00 |
| | Mrs. L. B. Blackburn, salary | 80 00 |
| | Miss Nellie Whitfield, salary | 5 00 |
| | B. R. Hart, salary | 15 00 |
| | J. H. Clo, salary | 30 00 |
| | R. H. Barkley, salary | 10 00 |
| | R. B. Sadler, salary | 15 00 |
| | E. G. Kelly, salary | 15 00 |
| | C. R. Smith, salary | 10 00 |
| | J. G. Lewis, salary | 10 00 |
| | T. T. Jones, salary | 75 00 |
| | Miss Bessie L. Munson, salary | 40 00 |
| | A. R. Sawyer, salary | 60 00 |
| | F. C. Elkins, postage | 21 00 |
| | D. C. Frazee, petty cash account | 37 90 |
| | J. E. Mathews, trumpeter | 7 00 |
| | H. H. Urmston, clerk | 8 25 |
| | Miss H. B. DeLong, accompanist | 5 00 |
| | Vogt & Foley, soap, etc | 21 85 |
| | W. H. Barkley, extra work | 5 30 |
| 3 | McGurk & Co | 5 50 |
| | Honaker & Co., flowers | 6 55 |
| | W. S. Bradley, soap | 4 25 |
| | G. Cramer Dry Plate Co., plates | 6 30 |
| 9 | F. C. Elkins, postage | 10 00 |
| 11 | Kinkead Coal Co., coal | 844 42 |
| | W. T. Sharp, repairs | 29 00 |
| | D. C. Frazee, pay-roll, student labor | 37 25 |
| 16 | J. K. Patterson, traveling expenses | 23 40 |
| | F. P. Anderson, traveling expenses | 40 70 |
| | John McChord, traveling expenses | 4 95 |
| 24 | Tibbis Carpenter, traveling expenses | 21 75 |

| | |
|---|---|
| T. B. Satterwhite & Co., ice | 50 10 |
| W. T. Sharp, firing boiler | 3 00 |
| Mountain Educator, advertising | 4 00 |
| W. S. Bradley, soap | 3 00 |
| Doubleday, Page & Co., Geo. Zoology | 19 00 |
| Total | $6,519 96 |

RECEIPTS FOR THE MONTH OF APRIL, 1904.

| | |
|---|---|
| Balance on hand April 1st | $6,453 00 |
| Received from Auditor, taxes | 95 94 |
| Received from student fees | 33 75 |
| Received from rents | 25 00 |
| Received from other sources | 155 60 |
| Total | $6,763 29 |
| Total amount received during the month of April | $6,763 29 |
| Total amount expended during the month of April | 6,523 82 |
| Balance on hand May 1, 1904 | $239 47 |

EXPENDITURES FOR THE MONTH OF APRIL, 1904.

| Date. 1904. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Apr. 1 | J. K. Patterson, salary | $275 00 |
| | J. H. Neville, salary | 200 00 |
| | R. L. Blanton, salary | 130 00 |
| | R. N. Roark, salary | 200 00 |
| | Milford White, salary | 120 00 |
| | W. K. Patterson, salary | 150 00 |
| | J. L. Logan, salary | 120 00 |
| | J. M. Davis, salary | 110 00 |
| | V. E. Muncy, salary | 100 00 |
| | J. E. Winston, salary | 105 00 |
| | W. W. H. Mustaine, salary | 100 00 |
| | P. Wernicke, salary | 200 00 |
| | Mrs. F. O. Stout, salary | 80 00 |
| | Miss Elizabeth Kinkead, salary | 80 00 |
| | J. G. White, salary | 200 00 |
| | J. H. Kastle, salary | 200 00 |
| | F. P. Anderson, salary | 200 00 |
| | A. M. Miller, salary | 200 00 |
| | M. L. Pence, salary | 200 00 |
| | J. P. Brooks, salary | 200 00 |

| | | |
|---|---|---|
| | A. S. MacKenzie, salary | 190 00 |
| | C. W. Mathews, salary | 200 00 |
| | J. W. Pryor, salary | 160 00 |
| | J. R. Johnson, salary | 120 00 |
| | J. T. Faig, salary | 150 00 |
| | A. M. Wilson, salary | 60 00 |
| | L. K. Frankel, salary | 110 00 |
| | Jos. Dicker, salary | 58 33 |
| | W. M. Marks, salary | 45 00 |
| | Miss Martha White, salady | 45 00 |
| | R. S. Bullock, salary | 8 33 |
| | D. C. Frazee, salary | 100 00 |
| | Miss M. Hodges, salary | 50 00 |
| | Jas. Murray, salary | 40 50 |
| | Tom Aubrey, salary | 40 00 |
| | R. A. Milligan, salary | 58 33 |
| | John Smith, salary | 18 00 |
| | Charlie Williams, salary | 5 00 |
| | Washington Ellis, salary | 20 00 |
| | Pier Whiteman, salary | 20 00 |
| | Armstead Mitchell, salary | 25 00 |
| | Charlie Turner, salary | 25 00 |
| | J. T. Friley, salary | 30 00 |
| | Remus Payne, salary | 40 00 |
| | Gordon Thurman, salary | 40 00 |
| | H. P. Pope, salary | 5 00 |
| | Mrs. Anna B. Jones, salary | 35 00 |
| | Mrs. L. Blackburn, salary | 80 00 |
| | Miss Nellie Whitfield, salary | 15 00 |
| | Ben Hart, salary | 15 00 |
| | J. H. Clo, salary | 35 00 |
| | R. H. Barkley, salary | 10 00 |
| | E. B. Sadler, salary | 15 00 |
| | E. G. Kelly, salary | 15 00 |
| | Claude R. Smith, salary | 10 00 |
| | J. G. Lewis, salary | 10 00 |
| | T. T. Jones, salary | 60 00 |
| | Miss Bessie Monson, salary | 20 00 |
| | Col. R. W. Nelson, traveling expenses | 26 25 |
| | D. C. Frazee, current expenses | 46 24 |
| | J. E. Mathews, trumpeter | 7 00 |
| 5 | F. C. Elkins, postage | 20 00 |
| | Jas. K. Patterson, books | 47 25 |
| | H. H. Urmston, clerk | 8 12 |
| | Ed. M. O'Rear, stenographic work | 38 08 |
| | C. J. Norwood, current account | 4 75 |
| | Miss H. B. DeLong, accompanist | 5 00 |

| | | |
|---|---|---|
| 7 | N. L. Clo, student labor | 6 00 |
| | Mrs. Allen Lake, two months' rent | 60 00 |
| | Bausch & Lomb Opt. Co., instruments | 2 22 |
| | Geo. H. Stahl, supplies | 37 50 |
| | Torrey Botanical Club, subscription | 3 00 |
| | Van Deren Hdw. Co., hardware | 5 55 |
| 8 | Combs Lumber Co., lumber | 3 65 |
| | J. M. Greenway, stationery, book | 52 50 |
| 12 | Barnes & Hall, chemicals | 31 10 |
| | Grasselli Chem. Co., chemicals | 16 95 |
| | The Herald, advertising | 5 00 |
| | Doubleday, Page & Co., books | 10 40 |
| | A. T. Thompson, repairs | 50 00 |
| 13 | Lex. Lumber Co., lumber | 110 40 |
| | D. C. Frazee, student labor | 20 55 |
| 14 | Kinkead Coal Co., coal | 625 82 |
| | J. W. Stoll, insurance | 35 00 |
| 26 | F. C. Elkins, postage | 20 00 |
| | R. S. Bullock, Pat. Hall Fund | 67 00 |
| | F. C. Elkins, postage | 5 00 |
| | Total | $6,523 82 |

## RECEIPTS FOR THE MONTH OF MAY, 1904.

| | |
|---|---|
| Balance on hand May 1, 1904 | $239 47 |
| Received from Auditor, taxes | 64 19 |
| Received from other sources | 102 00 |
| Total | $405 66 |
| Total amount expended in May | $2,214 66 |
| Total amount received | 405 66 |
| Overdrawn June 1st | $1,809 00 |

## EXPENDITURES FOR THE MONTH OF MAY, 1904.

| Date. 1904. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| May 4 | F. C. Elkins, postage | $ 5 00 |
| | Jas. K. Patterson, traveling expenses | 7 60 |
| | Kinkead Coal Co., coal | 380 09 |
| 16 | Jas. K. Patterson, traveling expenses | 8 40 |
| | D. C. Frazee, current account | 42 05 |
| 17 | F. C. Elkins, postage | 25 00 |
| 25 | Officers of the battalion | 140 00 |

| | |
|---|---|
| P. C. Grunnell, traveling expenses | *1 30 |
| Officers of the battalion | 205 00 |
| Student traveling expenses | 1,392 72 |
| F. C. Elkins, postage | 7 50 |
| Total | $2,214 66 |

## RECEIPTS FOR THE MONTH OF JUNE, 1904.

| | |
|---|---|
| *Received from Fayette Nat. Bank, bills payable | $20,000 00 |
| Received from Student fees | 3 00 |
| Received from rebate on insurance | 182 62 |
| Received from rent | 25 00 |
| Received from other sources | 56 92 |
| Received from student damages | 10 65 |
| Total | $20,278 19 |
| Total amount received in June | $20,278 19 |
| Total amount expended in June | 21 770 34 |
| Overdrawn July 1, 1904 | $1,492 15 |

*Money borrowed from Fayette National Bank.

## EXPENDITURES FOR THE MONTH OF JUNE, 1904.

| Date. 1904. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| June 4 | Student traveling expenses | $ 29 70 |
| | Jas. K. Patterson, books for department | 85 50 |
| | Student traveling expenses, 4 students | 43 60 |
| | Fayette Johnson, officers of battalion | 25 00 |
| 7 | F. C. Elkins, postage | 26 00 |
| | F. C. Elkins, advertising | 1 25 |
| 11 | Student traveling expenses, 19 students | 152 24 |
| | Jas. K. Patterson, salary, three months | 825 00 |
| | J. H. Neville, salary, three months | 600 00 |
| | R. L. Blanton, salary, three months | 390 00 |
| | R. N. Roark, salary, three months | 600 00 |
| | Milford White, salary, three months | 360 00 |
| | W. K. Patterson, salary, three months | 450 00 |
| | J. L. Logan, salary, three months | 360 00 |
| | J. M. Evans, salary, three months | 330 00 |
| | V. E. Muncy, salary, three months | 300 00 |
| | J. E. Winston, salary, three months | 315 00 |
| | W. W. H. Mustaine, salary, three months | 300 00 |

| | |
|---|---|
| Mrs. F. O. Stout, salary, three months | 240 00 |
| P. Wernicke, salary, three months | 600 00 |
| Miss Elizabeth Kinkead, salary, three months | 240 00 |
| J. G. White, salary, three months | 600 00 |
| J. H. Kastle, salary, three months | 600 00 |
| F. P. Anderson, salary, three months | 600 00 |
| A. M. Miller, salary, three months | 600 00 |
| M. L. Pence, salary, three months | 600 00 |
| J. P. Brooks, salary, three months | 600 00 |
| A. S. Mackenzie, salary, three months | 570 00 |
| C. W. Mathews, salary, three months | 600 00 |
| J. W. Pryor, salary, three months | 480 00 |
| J. R. Johnson, salary, three months | 360 00 |
| J. T. Faig, salary, three months | 450 00 |
| A. M. Wilson, salary, three months | 240 00 |
| L. K. Frankel, salary, three months | 330 00 |
| Jos. Dicker, salary, two months | 116 67 |
| W. M. Marks, salary, three months | 135 00 |
| Miss Martha White, salary, three months | 146 25 |
| R. S. Bullock, salary, two months | 16 67 |
| D. C. Frazee, salary, two months | 200 00 |
| Miss M. Hodges, salary, two months | 100 00 |
| Jas. Murray, salary, two months | 78 00 |
| Thos. Aubrey, salary, two months | 80 00 |
| R. A. Milligan, salary, two months | 116 67 |
| John Smith, salary, two months | 36 00 |
| Charlie Williams, salary, two months | 10 00 |
| Washington Ellis, salary, two months | 40 00 |
| Pier Whiteman, salary, two months | 40 00 |
| Charlie Turner, salary, two months | 50 00 |
| J. T. Friley, salary, two months | 60 00 |
| Remus Payne, salary, two months | 80 00 |
| Gordon Thurman, salary, two months | 80 00 |
| H. P. Pope, salary, two months | 10 00 |
| Mrs. Anna B. Jones, salary, two months | 70 00 |
| Mrs. L. B. Blackburn, salary, three months | 240 00 |
| Miss Nellie Whitfield, salary, three months | 45 00 |
| Ben Hart, salary, three months | 45 00 |
| H. J. Clo, salary, three months | 90 00 |
| R. H. Barkley, salary, three months | 30 00 |
| Armstead Mitchell, salary, two months | 62 50 |
| R. B. Sadler, salary, three months | 45 00 |
| E. G. Kelly, salary, three months | 45 00 |
| C. R. Smith, salary, three months | 30 00 |
| J. G. Lewis, salary, three months | 30 00 |
| T. T. Jones, salary, three months | 180 00 |
| Miss Bessie Munson, salary, three months | 60 00 |
| D. C. Frazee, current expenses | 29 99 |

| | | |
|---|---|---|
| | J. Boreing, Jr., copying | 16 30 |
| | Douglas Embry, student's traveling expenses | 1 14 |
| | G. W. Doty, supplies | 28 00 |
| | D. C. Frazee, pay-roll, student labor | 7 50 |
| | H. Trost, music | 20 00 |
| | Lex. Hyd. & Mfg. Co., water | 374 48 |
| | Lex. Railway Co., light | 383 05 |
| | J. W. Stoll, insurance | 193 77 |
| | H. C. Heathen, work | 7 80 |
| | Kinkead Coal Co., coal | 178 14 |
| | S. M. Brown, carpenter work | 75 50 |
| | T. M. Morrow, advertising | 20 00 |
| | W. S. Bradley, soap and brooms | 10 75 |
| | Gentry & Bros., hire of mule | 3 38 |
| | Hugh O'Neil, shoeing mule | 1 70 |
| | H. H. Urmston, clerk | 6 87 |
| | Garrard Wilson, hack hire | 8 00 |
| | Remus Payne, extra work | 2 00 |
| | Fayette Tel. Co., rentals | 12 70 |
| | C. J. Norwood, current expenses | 8 00 |
| | Kaufman Clothing Co., merchandise | 10 00 |
| | C. S. Brent, seed | 4 30 |
| | E. Bitterman & Son, roofing M. E. Bldg | 37 64 |
| | J. T. Faig, music, class day | 20 00 |
| | H. Trost, music, class day | 20 00 |
| | Wm. Purnell, merchandise | 7 90 |
| | J. T. Faig, traveling expenses | 15 65 |
| | A. C. Wood, books | 3 50 |
| | Eimer & Amend, chemicals | 91 23 |
| | Scientific Material Co., supplies | 22 52 |
| | Grassilli Chem. Co., chemicals | 6 35 |
| | Queen & Co., apparatus | 65 99 |
| | Keuffel Esser Co., drawing-material | 12 15 |
| | John Wiley & Sons, books | 9 21 |
| | Spon & Chamberlain Co., supplies | 2 50 |
| | Mining Reporter, subscription | 2 25 |
| | W. M. Camp, supplies | 3 00 |
| | Van Nostran Co., books | 7 70 |
| | Vaughn Seed Store, seed | 8 50 |
| | University of Chicago Press, advertising | 5 00 |
| | Bausch & Lomb Opt. Co., instruments | 1 60 |
| 17 | Byrnes & Lewis, feed | 22 17 |
| | Jas. G. White, payment on telescope | 488 10 |
| | Mrs. Allen Lake, rent, three months | 90 00 |
| | F. C. Elkins, postage | 15 00 |
| | Mining Eng. Journal, advertising | 13 60 |
| 20 | E. R. Ransom, student traveling expenses | 20 90 |
| | Miss H. B. DeLong, accompanist | 5 00 |

| | | |
|---|---|---|
| | F. P. Anderson, traveling expenses | 66 00 |
| | H. T. Patten | 6 70 |
| | Louise M. Davis, stenographic work | 2 75 |
| | Lawrence Hall Electric Co., supplies | 133 99 |
| | The Queen City Supply Co., supplies | 62 01 |
| | Standary Oil Co., oil and gasoline | 282 93 |
| | The Morning Herald, advertising | 16 85 |
| | L. M. Prince, drawing material | 49 48 |
| | Basil M. Brooks, expenses trustees' meeting | 25 59 |
| | Crosby Steam Gauge & Valve Co | 2 46 |
| | Collier's Weekly, advertising | 17 50 |
| | H. Weisbrodt, cuts for bulletin | 100 00 |
| | Keuffer & Esser Co., drawing material | 7 00 |
| | C. H. Ward, supplies | 3 50 |
| | Eng. News Pub. Co., advertising | 3 40 |
| | Industrial Press, advertising | 2 50 |
| | Eugene Deitzgen, supplies | 5 07 |
| | Lodge & Chiply, supplies | 3 00 |
| | Ferris & Kenworthy, supplies | 8 00 |
| | Simplex Elec. Heating Co., apparatus | 11 00 |
| | Southern School Journal, advertising | 2 50 |
| | Weston Elec. Instrument Co., elec. supplies | 4 55 |
| | The W. R. Geartner Co., elec. supplies | 3 00 |
| | Munn & Co., books | 1 35 |
| | Chas. A. Strilinger, books | 6 80 |
| | F. Weber & Co., merchandise | 43 61 |
| | A. C. Wood, merchandise | 4 50 |
| | Johnson & Johnson, merchandise | 1 00 |
| | The Holtzer Cabot Elec. Co., merchandise | 1 64 |
| | Standard Elec. Co., merchandise | 1 60 |
| | The American Machinist, advertising | 20 00 |
| | J. H. March, chairs | 7 00 |
| | Hugh O'Neil, blacksmithing | 1 50 |
| | Oxford University Press, subscription | 6 43 |
| | L. des Cognets & Co., lime and cement | 23 11 |
| | D. C. Frazee, student labor | 34 35 |
| | Courier-Journal Job Printing Co., diplomas | 97 00 |
| | L. H. Ramsey & Co., sign painting | 2 50 |
| | C. H. Gullion, student traveling expenses | 7 20 |
| | East Tenn. Tel. Co., rental | 12 25 |
| | Jas. K. Patterson, books for geo. and zoo | 8 00 |
| 21 | G. E. Stechert, subscription | 26 15 |
| | Mary Didlake, alumni assso. appro | 200 00 |
| | J. S. McCauley, student traveling expenses | 1 50 |
| | Col. R. W. Nelson, expenses trustees' meeting | 34 00 |
| | Master & Bean, paint | 3 15 |
| 22 | J. S. Poer & Co., paint | 18 70 |

| | | |
|---|---|---|
| | Jas. Clarke, Jr., globes | 1 53 |
| 23 | Combs Lumber Co., lumber | 15 00 |
| | John M. Greenway, books | 35 00 |
| | Van Deren Hdw. Co., hardware | 44 20 |
| | R. J. Haight, books | 1 00 |
| | Weaver, Palmer & Richmond, books | 2 45 |
| | McD. Ferguson, trustees' meeting | 38 70 |
| | A. K. Storm, music | 20 00 |
| | J. J. Fitzgerald, plumbing | 246 52 |
| | Jas. K. Patterson, traveling expenses | 20 00 |
| 24 | Cottrell & Leonard, caps and gowns | 33 00 |
| | John McChord, trustees' meeting | 24 35 |
| | S. M. Brown, carpenter work | 34 16 |
| | J. M. Hanson, periodicals | 18 23 |
| | Eimer & Amend, chemicals | 5 48 |
| 25 | John M. Greenway, books | 22 50 |
| | Wm. Robertson, brick-work | 12 00 |
| | H. J. Clo, student labor | 18 00 |
| 27 | Lexington Lumber Co., lumber | 17 36 |
| | C. F. Brower & Co., office fixtures | 38 50 |
| | C. D. Cunningham, paints | 16 15 |
| | Transylvania Co., case and file | 75 00 |
| | Jas. M. Byrnes, stationery | 15 80 |
| | Lawrence Hall Elec. Co., elec. supplies | 3 15 |
| 29 | Eimer & Amend, chemicals | 57 86 |
| 30 | C. F. Brower & Co., desks | 90 40 |
| | Total | $19,961 34 |

## SUMMARY OF THE RECEIPTS AND EXPENDITURES FOR THE YEAR 1903-1904.

### Receipts.

| | |
|---|---|
| For July | $16,454 99 |
| For August | 4,328 75 |
| For September | 3,604 32 |
| For October | 3,528 91 |
| For November | 93 51 |
| For December | 21,401 00 |
| 1904. | |
| For January | 29,600 25 |
| For February | 100 00 |
| For March | 5,764 99 |
| For April | 310 29 |
| For May | 166 19 |
| For June | 20,278 19 |
| Total | $107,631 03 |

**Expenditures.**

| | | |
|---|---|---|
| Overdrawn July 1, 1903 | $13,464 19 | |
| July | 1,951 65 | |
| August | 1,732 45 | |
| September | 1,789 09 | |
| October | 5,507 95 | |
| November | 9,638 65 | |
| December | 25,372 49 | |
| 1904. | | |
| January | 7,965 33 | |
| February | 6,841 60 | |
| March | 6,519 96 | |
| April | 6,523 82 | |
| May | 2,214 66 | |
| June | 19,961 34 | |
| | | $109,123 18 |
| Expenditures | | $109,123 18 |
| Receipts | | 107,631 03 |
| Overdrawn July 1, 1904 | | $1,492 15 |

**COLLEGIATE YEAR 1904-1905.**

| Faculty. | Faculty assistants and employes with salaries. | By whom appointed. |
|---|---|---|
| James K. Patterson, President, Professor of History, Political Economy and Metaphysics | $3,300 00 | Bd. Trus. |
| James G. White, Professor of Mathematics and Astronomy | 2,000 00 | " " |
| J. H. Neville, Vice-President, Professor of Greek and Latin | 2,000 00 | " " |
| W. K. Patterson, Principal of the Academy | 1,500 00 | " " |
| J. H. Kastle, Professor of Chemistry | 2,000 00 | " " |
| Ruric N. Roark, Principal of the Normal School | 2,000 00 | " " |
| J. W. Pryor, Professor of Anatomy and Physiology | 1,700 00 | " " |
| F. P. Anderson, Professor of Mechanical Engineering | 2,000 00 | " " |
| C. W. Mathews, Professor of Botany, Horticulture and Agriculture | 2,000 00 | " " |
| A. M. Miller, Professor of Geology and Zoology | 2,000 00 | " " |
| M. L. Pence, Professor of Physics | 2,000 00 | " " |
| Paul Wernicke, Professor of Modern Languages | 2,000 00 | " " |
| J. P. Brooks, Professor of Civil Engineering | 2,000 00 | " " |

| | | |
|---|---|---|
| A. S. Mackenzie, Professor of English and Logic | 2,000 00 | Bd. Trus. |
| C. J. Norwood, Professor of Mining Engineering | (Paid by State.) | |
| J. T. Faig, Professor of Machine Design | 1,600 00 | " " |
| W. B. Burtt, Commandant | (Paid by U. S. Gov.) | |
| Mrs. Florence O. Stout, Physical Director | 800 00 | " " |
| W. W. H. Mustaine, Physical Director | 1,000 00 | " " |
| Harrison Garman, Lecturer on Entomology | (Paid by Station.) | |
| J N. Harper, Lecturer on Agriculture | (Paid by Station.) | |
| Miss E. S. Kinkead, Lecturer on English Literature | 800 00 | " " |

**Assistants.**

| | | |
|---|---|---|
| J. L. Logan, Asst. in Academy | $1,200 00 | Bd. Trus. |
| J. R. Johnson, Asst. in Mathematics | 1,400 00 | " " |
| J. M. Davis, Asst. in Academy | 1,100 00 | " " |
| L. K. Frankel, Asst. in Mechanical Engineering. | 1,100 00 | " " |
| Milford White, Asst. in Normal School | 1,200 00 | " " |
| V. E. Muncy, Asst. in Academy | 1,000 00 | " " |
| A. M. Wilson, Asst. in Electrical Engineering | 1,200 00 | " " |
| Joseph Dicker, Asst. in Mechanical Engineering | 700 00 | " " |
| A. G. Spillman, Asst. Inspector of Mines, paid by College | 300 00 | " " |
| (Remainder paid by State.) | | |
| V. E. Muncy, Free Hand Drawing | 150 00 | President. |
| T. T. Jones, Asst. in Classics | 1,100 00 | " |
| Miss Martha R. White, Asst. in Mathematics | 500 00 | " |
| L. E. Nollau, Asst. in Drawing and Wood Shop | 600 00 | " |
| J. F. Sandifur, Asst. in Classics and English | 480 00 | " |
| T. W. Freeman, Asst. in Drawing and Wood Shop | 600 00 | " |
| Gordon Thurman, Asst. in Wood Shop | 480 00 | " |
| M. A. Doyle, Asst. in Mechanical Engineering | 480 00 | " |
| W. B. Burtt, Fellow and Asst. in Civil Engineering | 250 00 | " |
| Miss A. C. Pence, Fellow and Asst. in Anatomy and Physiology | 150 00 | " |
| J. H. Clo, Fellow and Asst. in Physics and Normal School | 300 00 | " |
| Miss M. D. E. Wilkie, Fellow and Asst. in Chemistry | 150 00 | " |
| Miss S. D. McCann, Fellow and Asst. in Geology and Zoology | 150 00 | " |
| R. H. Barclay, Fellow and Asst. in Mining Engineering | | " |
| W. P. Kelley, Fellow and Asst. in Chemistry | 150 00 | " |
| E. C. Vaughn, Fellow and Asst. in Botany | 150 00 | " |
| W. B. Crutchfield, Fellow and Asst. in English | 150 00 | " |
| Thos. M. Smith, Fellow and Asst. in Entomology | 150 00 | " |

### Other Officers and Employes.

| | | |
|---|---|---|
| Mrs. L. B. Blackburn | $ 800 00 | Bd. Trus. |
| Miss H. C. Hodges, Stenographer | 600 00 | President. |
| D. C. Frazee, Business Agent | 1,200 00 | Bd. Trus. |
| Six Janitors | 1,200 00 | President. |
| Mrs. C. E. Wallis, Matron Patterson Hall | 480 00 | Bd. Trus. |
| R. A. Milligan, Carpenter | 700 00 | " " |
| Thos. Aubrey, Engineer | 480 00 | " " |
| J. T. Friley, Watchman | 360 00 | " " |
| R. S. Bullock | 100 00 | " " |
| Mrs. Jones | 420 00 | " " |
| L. D. Moore | 480 00 | " " |

### RECEIPTS FOR THE MONTH OF JULY, 1904.

| | | |
|---|---|---|
| Received from Auditor, taxes | | $1,115 58 |
| Received from Auditor, interest on bonds | | 4,322 25 |
| Received from interest on deposit | | 44 70 |
| Received from student damages | | 34 39 |
| Received from other sources | | 300 37 |
| Total | | $5,817 29 |
| Received in July, 1904 | | $5,817 29 |
| Expended in July | $1,946 50 | |
| Overdrawn | 1,492 15 | |
| | | 3,436 65 |
| Balance on hand August 1st | | $2,378 64 |

### EXPENDITURES FOR THE MONTH OF JULY, 1904.

| Date 1904. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| July 1 | Jos. Dicker, salary | $ 58 33 |
| | R. S. Bullock, salary | 8 33 |
| | D. C. Frazee, salary | 100 00 |
| | Miss M. Hodges, salary | 50 00 |
| | Jas. Murray, salary | 39 00 |
| | Thos. Aubrey, salary | 40 00 |
| | R. A. Milligan, salary | 58 33 |
| | John Smith, salary | 20 00 |
| | Charlie Williams, salary | 5 00 |
| | Washington Ellis, salary | 20 00 |
| | Pier Whiteman, salary | 12 00 |
| | Charlie Turner, salary | 15 00 |
| | J. T. Friley, salary | 30 00 |
| | Max W. Powell, salary | 40 00 |

| | | |
|---|---|---|
| | Gordon Thurman, salary | 40 00 |
| | Mrs. Anna B. Jones, salary | 35 00 |
| | Jas. K. Patterson, salary for July | 275 00 |
| | F. C. Elkins, postage | 21 00 |
| | J. F. Sandefur, instructor | 10 20 |
| | J. E. Mastin, student labor | 18 90 |
| | D. C. Frazee, current expenses | 45 09 |
| 6 | Henry S. Barker, trustees' meeting | 8 05 |
| | F. C. Elkins, postoffice box rent | 1 00 |
| | W. C. Gregson, cuts and half-tones | 2 00 |
| | R. Hainsworth, supplies | 30 00 |
| 20 | F. C. Elkins, postage | 20 00 |
| | J. M. Byrnes, stationery and printing catalogues | 508 80 |
| 22 | R. M. Allen, military | 13 20 |
| | W. H. May, soap | 3 25 |
| | Combs Lumber Co., lumber | 10 30 |
| | C. F. Brower & Co., furniture | 200 52 |
| | H. H. Urmston, clerk of battalion | 3 25 |
| | Elmer & Amend, chemicals | 3 10 |
| | Wm. Reed & Sons, military | 16 00 |
| | The Milward Co., piano rent | 14 85 |
| | McClure & Bronston, stationery | 171 00 |
| | Total | $1,946 50 |

## RECEIPTS FOR THE MONTH OF AUGUST, 1904.

| | |
|---|---|
| Balance on hand August 1, 1904 | $2,378 64 |
| Received from rent on cottage | 25 00 |
| Received from United States Government, Act of 1890. | 21,375 00 |
| Received from other sources | 28 10 |
| Total | $23,806 74 |
| Total amount received in August | $23,806 74 |
| Total amount expended | 1,729 20 |
| Balance on hand September 1st | $22,077 54 |

## EXPENDITURES FOR THE MONTH OF AUGUST, 1904.

| Date. 1904. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Aug. 1 | Jos. Dicker, salary | $ 58 34 |
| | R. S. Bullock, salary | 8 34 |
| | D. C. Frazee, salary | 100 00 |
| | Miss M. Hodges, salary | 50 00 |
| | Thos. Aubrey, salary | 40 00 |
| | L. D. Moore, salary | 40 00 |

| | | |
|---|---|---|
| | R. A. Milligan, salary | 58 34 |
| | John Smith, salary | 20 00 |
| | Charlie Williams, salary | 2 50 |
| | Washington Ellis, salary | 20 00 |
| | Max Powell, salary | 40 00 |
| | Gordon Thurman, salary | 40 00 |
| | Mrs. Anna B. Jones, salary | 35 00 |
| | Jas. K. Patterson, traveling expenses | 56 75 |
| | F. C. Elkins, postage | 25 00 |
| | D. C. Frazee, current expenses | 68 55 |
| | Lee Anderson, student labor | 22 90 |
| | F. W. Herring, student traveling expenses | 14 32 |
| | J. E. Mastin, student labor | 20 00 |
| 2 | Smith-Premier Typewriter Co., ribbons | 1 50 |
| | R. L. Stout, trustees' meeting | 16 65 |
| | J. H. Staples, plastering | 132 60 |
| | J. Jones, clock | 5 50 |
| | Jackson Hustler, advertising | 1 00 |
| | W. J. Houlihan & Bros., repairs | 25 61 |
| | Fred Heintz, repairs on clock | 1 65 |
| | Hobbs & Farmer, scrap iron | 87 15 |
| | C. B. Ross | 2 70 |
| | J. J. Fitzgerald, plumbing | 26 36 |
| | Lexington Railway Co., light | 41 20 |
| | Southern School Journal, advertising | 14 00 |
| | Southern Independent, advertising | 4 50 |
| | H. H. Rice, College Annual | 300 00 |
| | S. M. Brown, carpenter work | 17 84 |
| | Lexington Hyd. & Mfg. Co., water | 143 12 |
| | Combs Lumber Co., lumber | 31 03 |
| | John Hutchison, brooms and mops | 11 55 |
| | Rural New Yorker, advertising | 8 00 |
| | The Leeds & Northup Co., supplies | 1 74 |
| | Masters & Bean, paints | 14 80 |
| 3 | Kinkead Coal Co., coal | 30 40 |
| | Geo. Land, lime | 2 00 |
| | J. S. Poer & Co., paints | 8 90 |
| | J. M. Hanson, periodicals | 12 22 |
| | Queen & Co., apparatus | 2 36 |
| | John M. Greenway, books | 4 70 |
| | McClure & Bronston, stationery | 9 85 |
| | University of Chicago Press, subscription | 3 88 |
| 6 | Jas. Donavan, plastering | 37 00 |
| 12 | W. C. Bell, trustees' meeting | 9 35 |
| | Total | $1,729 20 |

## RECEIPTS FOR THE MONTH OF SEPTEMBER, 1904.

| | |
|---|---|
| Balance on hand September 1, 1904 | $22,077 54 |
| Received from Auditor, taxes | 3,161 69 |
| Received from student fees | 4,984 00 |
| Received from other sources | 10 00 |
| Total | $30,233 23 |
| Total amount received in September | $30,233 23 |
| Total amount expended | 968 11 |
| Balance on hand October 1st | $29,265 12 |

## EXPENDITURES FOR THE MONTH OF SEPTEMBER, 1904.

| Date. 1904. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Sept. 1 | Jas. K. Patterson, salary | $275 00 |
| | Jos. Dicker, salary | 58 33 |
| | R. S. Bullock, salary | 8 33 |
| | D. C. Frazee, salary | 100 00 |
| | Miss Harriette Hodges, salary | 50 00 |
| | Thos. Aubrey, salary | 40 00 |
| | L. D. Moore, salary | 40 00 |
| | R. A. Milligan, salary | 58 33 |
| | John Smith, salary | 20 00 |
| | Charlie Williams, salary | 5 00 |
| | Washington Ellis, salary | 20 00 |
| | M. W. Powell, salary | 40 00 |
| | Gordon Thurman, salary | 40 00 |
| | Mrs. Anna Jones, salary | 35 00 |
| | Armstead Mitchell, salary | 8 33 |
| | F. C. Elkins, postage | 20 00 |
| 2 | D. C. Frazee, current expenses | 85 62 |
| 7 | Geo. O. Harting, student traveling expenses | 6 52 |
| 10 | R. W. Nelson, expenses trustees' meeting | 11 50 |
| | Miss Nellie Whitfield | 5 50 |
| 16 | F. C. Elkins, postage | 20 00 |
| 17 | Jas. K. Patterson, history | 13 25 |
| 25 | C. D. Callahan, student traveling expenses | 7 40 |
| | Total | $968 11 |

## RECEIPTS FOR THE MONTH OF OCTOBER, 1904.

| | |
|---|---|
| Balance on hand October 1st | $29,265 12 |
| Received from student fees | 391 50 |
| Received from W. T. Sharp, rent | 25 00 |
| Received from other sources | 8 00 |
| Total | $29,689 62 |
| Total amount received in October | $29,689 62 |
| Total amount expended in October | 7,939 98 |
| Balance on hand November 1, 1904 | $21,749 64 |

## EXPENDITURES FOR THE MONTH OF OCTOBER, 1904.

| Date. 1904. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Oct. 1 | Jas. K. Patterson, salary | $275 00 |
| | J. H. Neville, salary | 200 00 |
| | T T. Jones, salary | 50 00 |
| | R. N. Roark, salary | 200 00 |
| | Milford White, salary | 120 00 |
| | W. K. Patterson, salary | 150 00 |
| | J. L. Logan, salary | 120 00 |
| | J. M. Davis, salary | 110 00 |
| | V. E. Muncy, salary | 100 00 |
| | W. W. H. Mustaine, salary | 100 00 |
| | P. Wernicke, salary | 200 00 |
| | Mrs. F. O. Stout, salary | 80 00 |
| | Miss Elizabeth Kinkead, salary | 80 00 |
| | J. G. White, salary | 200 00 |
| | J. H. Kastle, salary | 200 00 |
| | F. P. Anderson, salary | 200 00 |
| | A. M. Miller, salary | 200 00 |
| | M. L. Pence, salary | 200 00 |
| | J. P. Brooks, salary | 200 00 |
| | C. W. Mathews, salary | 200 00 |
| | A. S. Mackenzie, salary | 200 00 |
| | J. W. Pryor, salary | 170 00 |
| | J. R. Johnson, salary | 120 00 |
| | J. T. Faig, salary | 160 00 |
| | A. M. Wilson, salary | 100 00 |
| | L. E. Nollau, salary | 60 00 |
| | Jos. Dicker, salary | 58 33 |
| | H. Freeman, salary | 50 00 |
| | Miss Martha White, salary | 45 00 |
| | M. A. Doyle, salary | 40 00 |

| | | |
|---|---|---|
| | J. H. Clo, salary | 30 00 |
| | Gordon Thurman, salary | 40 00 |
| | W. P. Kelly, salary | 15 00 |
| | Miss Margaret Wilkie, salary | 15 00 |
| | R. H. Barkley, salary | 15 00 |
| | W. B. Burtt, salary | 25 00 |
| | E. C. Vaughn, salary | 15 00 |
| | R. S. Bullock, salary | 8 33 |
| | D. C. Frazee, salary | 100 00 |
| | Miss H. Hodges, salary | 40 00 |
| | Thos. Aubrey, salary | 40 00 |
| | L. D. Moore, salary | 40 00 |
| | R. A. Milligan, salary | 58 33 |
| | John Smith, salary | 18 00 |
| | Charlie Williams, salary | 5 00 |
| | Washington Ellis, salary | 20 00 |
| | Armstead Mitchell, salary | 25 00 |
| | Mrs. Anna B. Jones, salary | 35 00 |
| | Mrs. L. B. Blackburn, salary | 80 00 |
| | Pier Whiteman, salary | 20 00 |
| | Charlie Turner, salary | 25 00 |
| | J. F. Sandefur, salary | 30 00 |
| | A. M. Wilson, salary | 120 00 |
| | J. T. Friley, salary | 25 00 |
| | Miss Alice Pence, salary | 15 00 |
| | Miss Sue D. McCann, salary | 15 00 |
| | T. M. Smith, salary | 15 00 |
| | W. B. Crutchfield, salary | 15 00 |
| | D. C. Frazee, petty cash account for September | 72 74 |
| | D. C. Frazee, petty cash account for August | 35 12 |
| | D. W. Clark, advertising | 5 00 |
| 3 | Morning Herald, advertising | 5 00 |
| | Henderson Journal, advertising | 5 00 |
| | Big Sandy Herald, advertising | 1 50 |
| | Pantagraph, advertising | 5 00 |
| | Glasgow Republican, advertising | 5 00 |
| | Georgetown Times, advertising | 5 00 |
| | Messenger Publishing Co., advertising | 5 00 |
| | Courier-Journal, advertising | 10 00 |
| | Geo. A. Lewis, advertising | 5 00 |
| | Hopkinsville Kentuckian, advertising | 5 00 |
| | Mountain Echo, advertising | 5 00 |
| | Kentucky Observer, advertising | 5 00 |
| | Somerset Journal, advertising | 5 00 |
| | Constitutionalist, advertising | 5 00 |
| | Paintsville Commercial Co., advertising | 5 00 |
| | Hart County News, advertising | 5 00 |

| | | |
|---|---|---|
| | Sun Sentinel, advertising | 5 00 |
| | Kentuckian-Citizen, advertising | 5 00 |
| | The Journal Co., advertising | 5 00 |
| | Lexington Democrat, advertising | 8 50 |
| | Woodford Sun, advertising | 5 00 |
| | Carlisle Mercury, advertising | 5 00 |
| | F. C. Smith, advertising | 5 00 |
| | C. S. Morehead, advertising | 5 00 |
| | Greenup Democrat, advertising | 5 00 |
| | Inquirer, advertising | 5 00 |
| | Kentucky Advocate, advertising | 5 00 |
| | Southern School Journal, advertising | 5 00 |
| | The Commonwealth, advertising | 5 00 |
| | Jessamine Journal, advertising | 5 00 |
| | Farmers' Home Journal, advertising | 10 00 |
| | Public Ledger, advertising | 5 00 |
| | Columbia Spectator, advertising | 5 00 |
| | Ashland Independent, advertising | 5 00 |
| | Jessamine News, advertising | 5 00 |
| | Monticello Courier, advertising | 5 00 |
| | Blue Grass Clipper, advertising | 5 00 |
| | L. W. Gaines, advertising | 5 00 |
| | Paris Democrat, advertising | 5 00 |
| | Interior Journal, advertising | 5 00 |
| | Kentucky Gazette, advertising | 5 00 |
| | John McChord, Jr., student traveling expenses | 1 00 |
| | R. C. Terrill, student traveling expenses | 4 56 |
| | Simpkinson Miller & Co., supplies | 161 05 |
| 5 | Kinkead Coal Co., coal | 48 80 |
| | G. E. Stechert, periodicals | 60 15 |
| | Fayette Tel. Co., rentals and tolls | 11 80 |
| | Hugh O'Neil, blacksmith | 1 50 |
| | Kaufman, Straus & Co., bunting, etc | 20 30 |
| | East Tenn. Tel. Co., rentals and tolls | 6 35 |
| | J. J. Fitzgerald, repairs and plumbing | 65 26 |
| | Lexington Water Co., water | 123 88 |
| | Spencer Courier, advertising | 5 00 |
| | Lexington Railway Co., light | 48 85 |
| | W. S. Bradley, brooms and mops | 19 95 |
| | Byrnes & Lewis, feed | 29 10 |
| | A. C. Chinn, cotton | 1 48 |
| | Anderson & Dudley, lamps | 15 50 |
| | A. J. Warren, brushes | 47 00 |
| | L. des Cognets & Co., brick | 25 73 |
| | H. E. Curtis, Treas. Ath. Asso | 500 00 |
| | A. T. Thompson, supplies M. E | 30 00 |
| | Eimer & Amend, chemicals | 74 33 |
| | Bausch & Lomb Opt. Co., instruments | 345 48 |

| | | |
|---|---|---|
| | Transylvania Co., stationery and printing | 451 66 |
| | Barnes & Hall, chemicals | 54 55 |
| | Lexington Democrat, advertising | 10 65 |
| 7 | John McChord, expenses trustees' meeting | 5 45 |
| | Lexington Water Co., water | 26 43 |
| | Jas. K. Patterson, traveling expenses | 3 65 |
| 11 | F. C. Elkins, postage | 20 00 |
| | J. H. Bean, paint | 2 70 |
| | Standard Oil Co., oil and gasoline | 133 88 |
| 12 | Mountain Educator, advertising | 5 00 |
| | J. A. Todd, bunting | 2 20 |
| | Kaufman, Straus & Co., curtains | 3 85 |
| | The MacMillan Co., books | 2 37 |
| 13 | Vaughn Seed Store, seed | 1 60 |
| | H. A. Dreer, seed and bulbs | 13 36 |
| 24 | Jas. K. Patterson, traveling expenses | 7 68 |
| 26 | Queen & Co., apparatus | 100 14 |
| 28 | D. C. Frazee, pay-roll, student labor | 16 89 |
| | Total | $7,939 98 |

## RECEIPTS FOR THE MONTH OF NOVEMBER, 1904.

| | |
|---|---|
| Balance on hand November 1st | $21,749 64 |
| Received from student fees | 20 00 |
| Received from rents | 25 50 |
| Received from other sources | 13 75 |
| Total | $21,808 89 |
| Total amount received in November | $21,808 89 |
| Total amount expended in November | 7,077 08 |
| Balance on hand December 1st | $14,731 81 |

## EXPENDITURES FOR THE MONTH OF NOVEMBER, 1904.

| Date 1904. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Nov. 1 | Jas. K. Patterson, salary | $275 00 |
| | J. H. Neville, salary | 200 00 |
| | T. T. Jones, salary | 110 00 |
| | R. N. Roark, salary | 66 66 |
| | Milford White, salary | 120 00 |
| | W. K. Patterson, salary | 150 00 |
| | J. L. Logan, salary | 120 00 |
| | J. M. Davis, salary | 110 00 |
| | V. E. Muncy, salary | 100 00 |

| | |
|---|---|
| P. Wernicke, salary | 200 00 |
| W. W. H. Mustaine, salary | 100 00 |
| Mrs. F. O. Stout, salary | 80 00 |
| Miss Elizabeth Kinkead, salary | 80 00 |
| J. G. White, salary | 200 00 |
| J. H. Kastle, salary | 200 00 |
| F. P. Anderson, salary | 200 00 |
| A. M. Miller, salary | 200 00 |
| J. P. Brooks, salary | 200 00 |
| M. L. Pence, salary | 200 00 |
| C. W. Mathews, salary | 200 00 |
| A. S. Mackenzie, salary | 200 00 |
| J. W. Pryor, salary | 170 00 |
| J. R. Johnson, salary | 120 00 |
| J. T. Faig, salary | 160 00 |
| A. M. Wilson, salary | 140 00 |
| J. E. Nollau, salary | 60 00 |
| J. F. Sandefur, salary | 30 00 |
| Miss Martha, White, salary | 63 75 |
| Jos. Dicker, salary | 58 34 |
| M. A. Doyle, salary | 40 00 |
| Gordon Thurman, salary | 40 00 |
| H. J. Clo, salary | 45 00 |
| W. P. Kelly, salary | 15 00 |
| Miss Margaret Wilkie, salary | 15 00 |
| Miss Sue D. McCann, salary | 15 00 |
| R. H. Barkley, salary | 15 00 |
| W. B. Burtt, salary | 25 00 |
| E. C. Vaughn, salary | 15 00 |
| Miss Alice Pence, salary | 15 00 |
| T. M. Smith, salary | 15 00 |
| W. B. Crutchfield, salary | 15 00 |
| Miss Anna B. Jones, salary | 35 00 |
| R. S. Bullock, salary | 8 34 |
| D. C. Frazee, salary | 100 00 |
| Miss H. C. Hodges, salary | 40 00 |
| Thos. Aubrey, salary | 40 00 |
| L. D. Moore, salary | 40 00 |
| R. A. Milligan, salary | 58 34 |
| John Smith, salary | 18 00 |
| Pier Whiteman, salary | 20 00 |
| Washington Ellis, salary | 20 00 |
| Charlie Williams, salary | 5 00 |
| Armstead Mitchell, salary | 25 00 |
| Charlie Turner, salary | 25 00 |
| Mrs. L. B. Blackburn, salary | 80 00 |
| J. T. Friley, salary | 30 00 |

| | | |
|---|---|---|
| | D. C. Frazee, current expenses | 14 72 |
| | M. L. Pence, current expenses for department | 5 00 |
| 3 | Milford White, copying | 8 88 |
| 9 | Jas. K. Patterson, traveling expenses | 61 80 |
| | H. W. Freeman, salary | 60 00 |
| 9 | Mayfield Monitor, advertising | 5 00 |
| | Pendletonian, advertising | 5 00 |
| | W. C. Bell, expenses trustees' meeting | 5 75 |
| | W. S. Bradley, brooms and soap | 7 25 |
| | Miss Sayre DeLong, accompanist | 5 00 |
| | Lee Anderson, student labor | 18 35 |
| | T. R. Bryant, clerk of battalion | 16 18 |
| | Hugh O'Neil, blacksmith | 1 50 |
| | John Hutchison, brooms and mops | 17 40 |
| | Wiley Wendt, trumpeter | 5 00 |
| | Queen City Supply Co., supplies | 440 94 |
| | Geo. F. Blake Manufacturing Co., supplies | 1 28 |
| | Standard Electrical Co., electrical supplies | 83 80 |
| | J. Fay & Egan Co., boiler supplies | 15 00 |
| | J. C. Bonnycastle, transit | 50 00 |
| | Cooper, Hewitt Electrical Co., electrical supplies | 37 50 |
| | Riehle Bros., drawing material | 8 00 |
| | Bausch & Lomb Optical Co., instruments | 41 80 |
| | Whitall, Tatum æ Co., chemicals | 15 40 |
| | Wrenn & King, moulding | 7 25 |
| | Henry Wark, books | 12 00 |
| 10 | D. C. Frazee, pay-roll, student labor | 14 47 |
| | R. W. Nelson, expenses, trustees meeting | 15 50 |
| | L. des Cognets & Co., coal | 282 13 |
| | Standard Oil Co., oil and gasoline | 42 03 |
| | J. J. Fitzgerald, plumbing | 131 36 |
| | Jas. A. Milton, plumbing | 10 45 |
| | Lexington Hydraulic Manufacturing Co., water | 77 08 |
| | G. E. Stechert, periodicals | 4 40 |
| | L. M. Pence, drawing materials | 23 98 |
| | F. C. Elkins, postage | 25 00 |
| | C. D. Cunningham, painting | 227 83 |
| | Keuffel & Esser Co., instrument | 14 00 |
| | S. O. Bermayer, supplies | 5 00 |
| | J. G. Biddle, supplies | 1 83 |
| | J. B. Lippincott, books | 4 40 |
| | Eugene Deitzgen Co., engine | 55 98 |
| | General Electrical Co., light globes | 3 60 |
| | Queen & Co., apparatus | 97 81 |
| | Buckeye Electrical Co., electrical supplies | 62 10 |
| | The Globe-Wernicke Co., cases | 3 65 |
| | Chas, H. Ward, maps | 3 50 |

| | | |
|---|---|---|
| | The Army and Navy Journal, subscription | 11 38 |
| | Orange, Judd Co., books | 8 84 |
| 16 | P. C. Grunnell, trumpeter | 3 78 |
| | The Review, advertising | 5 00 |
| | W. W. H. Mustaine, petty cash account | 1 55 |
| 18 | American Lead Pencil Co., supplies | 1 30 |
| | Wm Robertson, brickwork | 39 00 |
| | C. H. Hughston, supplies | 21 00 |
| | Total | $7,077 08 |

## RECEIPTS FOR THE MONTH OF DECEMBER, 1904.

| | |
|---|---|
| Balance on hand December 1st | $14,731 81 |
| Received from rents | 14 30 |
| Received from other sources | 60 |
| Received from auditor, taxes | 12,239 42 |
| Received from student fees | 8 50 |
| Total | $26,994 63 |
| Total amount received in December, 1904 | $26,994 63 |
| Total amount expended in December | 12,166 99 |
| Balance on hand January 1st | $14,827 64 |

## EXPENDITURES FOR THE MONTH OF DECEMBER, 1904.

| Date. 1904. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Dec. 1 | J. G. White, salary | $200 00 |
| | J. H. Kastle, salary | 200 00 |
| | F. P. Anderson, salary | 200 00 |
| | A. M. Miller, salary | 200 00 |
| | M. L. Pence, salary | 200 00 |
| | J. P. Brooks, salary | 200 00 |
| | A. S. Mackenzie, salary | 200 00 |
| | C. W. Mathews, salary | 200 00 |
| | J. W. Pryor, salary | 170 00 |
| | J. R. Johnson, salary | 120 00 |
| | J. T. Faig, salary | 160 00 |
| | A. M. Wilson, salary | 120 00 |
| | L. E. Nollau, salary | 60 00 |
| | H. W. Freeman, salary | 60 00 |
| | J. F. Sandefur, salary | 30 00 |
| | Miss Martha White, salary | 60 00 |
| | Jos. Dicker, salary | 58 33 |
| | M. A. Doyle, salary | 40 00 |

| | | |
|---|---|---|
| | Gordon Thurman, salary | 40 00 |
| | J. Harry Clo, salary | 45 00 |
| | W. P. Kelly, salary | 15 00 |
| | Miss Margaret Wilkie, salary | 15 00 |
| | Miss Sue D. McCann, salary | 15 00 |
| | R. H. Barkley, salary | 15 00 |
| | W. B. Burtt, salary | 25 00 |
| | E. C. Vaughn, salary | 15 00 |
| | Miss Alice Pence, salary | 15 00 |
| | T. M. Smith, salary | 15 00 |
| | W. B. Crutchfield, salary | 15 00 |
| | Mrs. Anna B. Jones, salary | 35 00 |
| | Thos. Aubrey, salary | 40 00 |
| | John Smith, salary | 18 00 |
| | Pier Whiteman, salary | 20 00 |
| | Washington Ellis, salary | 20 00 |
| | Charlie Williams, salary | 5 00 |
| | Charlie Turner, salary | 20 00 |
| | Armstead Mitchell, salary | 25 00 |
| | Jas. K. Patterson, salary | 275 00 |
| | J. H. Neville, salary | 200 00 |
| | T. T. Jones, salary | 80 00 |
| | Milford White, salary | 120 00 |
| | W. K. Patterson, salary | 150 00 |
| | J. L. Logan, salary | 120 00 |
| | J. M. Davis, salary | 110 00 |
| | V. E. Muncy, salary | 100 00 |
| | W. W. H. Mustaine, salary | 100 00 |
| | P. Wernicke, salary | 200 00 |
| | Mrs. F. O. Stout, salary | 80 00 |
| | Miss Elizabeth Kinkead, salary | 80 00 |
| | R. S. Bullock, salary | 8 33 |
| | D. C. Frazee, salary | 100 00 |
| | Miss H. C. Hodges, salary | 40 00 |
| | L. D. Moore, salary | 40 00 |
| | R. A. Milligan, salary | 58 33 |
| | Mrs. L. Blackburn, salary | 80 00 |
| | J. T. Friley, salary | 30 00 |
| | W. Wendt, trumpeter | 5 00 |
| | Lee Anderson, student labor | 8 00 |
| | D. C. Frazee, current expenses | 29 32 |
| | C. B. Merwin, stationery | 3 18 |
| | Union Library Association, books | 8 45 |
| | Jos. Dicker, extra night work | 8 00 |
| 7 | L. des Cognets & Co., coal | 530 30 |
| | Lexington Railway Co., light | 183 90 |
| | Lexington Water Co., water | 84 43 |
| | J. L. Melton, student labor | 9 60 |

| | | |
|---|---|---|
| | Ben Marshall, drawing up brief | 6 10 |
| | A. E. Gullion, advertising | 5 00 |
| | S. R. VanDyke, stone work | 5 40 |
| | Miss Sayre Delong, accompanist | 5 00 |
| | H. M. Frazer, physical apparatus | 110 50 |
| | J. M. Hanson, subscriptions | 18 10 |
| | McClure & Bronston, stationery and printing | 105 64 |
| | Fayette Tel. Co., rentals and tolls | 12 90 |
| | East Tenn. Tel. Co., rentals and tolls | 4 55 |
| | Geo. Land, lime | 1 00 |
| | Smith-Premier Typewriter Co., exchange typewriter | 50 00 |
| | Byrnes & Lewis, feed | 16 07 |
| | John M. Greenway, books, etc | 37 00 |
| | W. H. May, brooms and soap | 4.25 |
| | R. L. Stout, traveling expenses | 28 15 |
| 9 | Standard Oil Co., oil | 81 45 |
| | Engineering Magazine, subscription | 2 00 |
| | American Book Co., books | 3 46 |
| | Engineering Review, subscription | 1 00 |
| | The Shelby Sentinel, advertising | 5 00 |
| | Shelby News, advertising | 5 00 |
| | Brock & Co., roofing | 157 35 |
| | C. J. Norwod, petty cash account | 6 85 |
| | D. C. Frazee, pay-roll, student labor | 15 02 |
| | Standard Calometer Co., electrical supplies | 18 90 |
| 12 | Bausch & Lomb Opt. Co., instruments | 52 95 |
| | F. C. Elkins, postage | 20 00 |
| 14 | McD. Ferguson, expenses trustees' meeting | 33 70 |
| | Tibbis Carpenter, expenses trustees' meeting | 31 00 |
| | Basil M. Brooks, expenses trustees' meeting | 27 00 |
| | Col. R. W. Nelson, expenses trustees' meeting | 11 50 |
| | John McChord, expenses trustees' meeting | 11 10 |
| 19 | Consumers' Ice Co., ice | 28 90 |
| | John M. Greenway, books | 34 08 |
| | Lexington Plumbing Co., plumbing | 31 54 |
| | American Institute of Electric Engineering | 11 50 |
| | American Machinist | 20 00 |
| | T. R. Bryant, clerk of battalion | 11 37 |
| 21 | J. K. Patterson, salary | 275 00 |
| | J. H. Neville, salary | 200 00 |
| | T. T. Jones, salary | 80 00 |
| | Milford White, salary | 120 00 |
| | W. K. Patterson, salary | 150 00 |
| | J. L. Logan, salary | 120 00 |
| | J. M. Davis, salary | 110 00 |
| | V. E. Muncy, salary | 100 00 |
| | W. W. H. Mustaine, salary | 100 00 |
| | P. Wernicke, salary | 200 00 |

| | | |
|---|---|---|
| | Mrs. F. O. Stout, salary | 80 00 |
| | Miss Elizabeth Kinkead, salary | 80 00 |
| | Jas. G. White, salary | 200 00 |
| | J. H. Kastle, salary | 200 00 |
| | F. P. Anderson, salary | 200 00 |
| | A. M. Miller, salary | 200 00 |
| | M. L. Pence, salary | 200 00 |
| | A. S. Mackenzie, salary | 200 00 |
| | C. W. Mathews, salary | 200 00 |
| | J. P. Brooks, salary | 200 00 |
| | J. W. Pryor, salary | 170 00 |
| | J. R. Johnson, salary | 120 00 |
| | J. T. Faig, salary | 160 00 |
| | A. M. Wilson, salary | 120 00 |
| | L. E. Nollau, salary | 60 00 |
| | H. W. Freeman, salary | 60 00 |
| | J. F. Sandefur, salary | 60 00 |
| | Miss Martha White, salary | 60 00 |
| | Jos. Dicker, salary | 58 33 |
| | M. A. Doyle, salary | 40 00 |
| | Gordon Thurman, salary | 40 00 |
| | J. Harry Clo, salary | 45 00 |
| | W. P. Kelly, salary | 15 00 |
| | Miss Margaret Wilkie, salary | 15 00 |
| | Miss Sue D. McCann, salary | 15 00 |
| | R. H. Barkley, salary | 15 00 |
| | W. B. Burtt, salary | 25 00 |
| | E. C. Vaughn, salary | 15 00 |
| | Miss Alice Pence, salary | 15 00 |
| | T. M. Smith, salary | 15 00 |
| | W. B. Crutchfield, salary | 15 00 |
| | Mrs. Anna B. Jones, salary | 35 00 |
| | R. S. Bullock, salary | 8 33 |
| | D. C. Frazee, salary | 100 00 |
| | Miss H. C. Hodges, salary | 40 00 |
| | Thos. Aubrey, salary | 40 00 |
| | L. D. Moore, salary | 40 00 |
| | R. A. Milligan, salary | 58 33 |
| | John Smith, salary | 18 00 |
| | Pier Whiteman, salary | 20 00 |
| | Washington Ellis, salary | 20 00 |
| | Charlie Williams, salary | 5 00 |
| | Charlie Turner, salary | 25 00 |
| | Armstead Mitchell, salary | 25 00 |
| | J. T. Friley, salary | 30 00 |
| | Mrs. L. Blackburn, salary | 80 00 |
| 22 | Fayette National Bank, interest on note | 500 00 |
| | Total | $12,166 99 |

## RECEIPTS FOR THE MONTH OF JANUARY, 1905.

| | |
|---|---|
| Balance on hand January 1st | $14,827 64 |
| Received from rents | 15 50 |
| Received from other sources | 100 00 |
| Received from student fees | 408 00 |
| Received from Fayette National Bank | 150 25 |
| Total | $15,501 39 |
| Amount received in January | $15,501 39 |
| Amount expended in January | 2,731 37 |
| Balance on hand February 1st | $12,770 02 |

## EXPENDITURES FOR THE MONTH OF JANUARY, 1905.

| Date. 1905. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Jan. 5 | Wiley Wendt, trumpeter | $ 4 00 |
| 6 | Green County Record, advertising | 5 00 |
| 7 | D. C. Frazee, current expenses | 38 10 |
| 9 | Grassilli Chemical Co., chemicals | 14 71 |
| | Hugh O'Neil, blacksmith | 1 50 |
| | C. M. Clay, Jr., traveling expenses, trustees meeting | 28 41 |
| | Wilhoite & Brewer, student labor | 8 00 |
| | Miss Sarah DeLong, accompanist | 5 00 |
| | H. M. Frazer, electrical work | 213 00 |
| | Lexington Leader, advertising | 15 90 |
| | L. des Cognets & Co., coal | 618 60 |
| | Byrnes & Lewis, feed | 12 73 |
| | Standard Oil Co., oil and gasoline | 24 35 |
| | Lexington Water Co., water | 116 55 |
| | W. S. Bradley, buckets | 1 50 |
| | Lexington Railway Co., lights | 120 50 |
| | W. H. May, brooms, etc. | 11 15 |
| | W. J. Houlihan & Bros., repairs | 3 65 |
| | J. Jones, repairs on clock | 2 50 |
| | J. J. Fitzgerald, repairs and plumbing | 10 86 |
| | The Milward Co., rent on piano | 14 00 |
| 10 | F. C. Elkins, postage | 20 00 |
| | M. L. Pence, petty cash account | 2 30 |
| 13 | Lexington Lumber Co., lumber | 521 65 |
| | D. C. Frazee, pay-roll, student labor | 14 10 |
| | Combs Lumber Co., lumber | 46 42 |
| | W. W. H. Mustaine, petty cash account | 10 00 |
| | Henry Holt, books | 3 83 |

| | | |
|---|---|---|
| | Chas. Scribners & Sons., books | 18 68 |
| | Oxford University Press, books | 7 97 |
| | A. C. McClurg & Co., books | 1 98 |
| | The McMillan Co., books | 11 99 |
| | Longmann, Green Co., books | 3 53 |
| | D. Appleton & Co., books | 4 04 |
| | C. F. Brower & Co., furniture | 83 15 |
| | Transylvania Co., stationery | 192 82 |
| | Smith & Watkins Co., hardware | 125 05 |
| | M. C. Lilly & Co., military supplies | 38 40 |
| | J. H. March, chairs | 17 00 |
| | W. H. Elverson Pottery Co., flower pots | 21 69 |
| | Pettibone Manufacturing Co., flags | 2 00 |
| | Photo Era Publishing Co., subscriptions | 4 00 |
| | Van Deren Hardware Co., hardware | 114 90 |
| 18 | H. E. Curtis, athletic association | 130 40 |
| | J. C. Rogers, | 14 90 |
| | Farley Transfer Co., freight and drayage | 75 06 |
| | Fayette National Bank, New York draft | 34 50 |
| 24 | Hazel Green Herald, advertising | 5 00 |
| 27 | Jas. K. Patterson, books for library | 20 00 |
| | D. M. Brown, carpenter work | 16 00 |
| | Total | $2,731 37 |

## RECEIPTS FOR THE MONTH OF FEBRUARY, 1905.

| | |
|---|---|
| Balance on hand February 1st | $12,770 02 |
| Received from other sources | 97 15 |
| Received from rents | 38 50 |
| Received from auditor taxes | 19,995 22 |
| Received from student fees | 72 50 |
| Total | $32,973 39 |
| Total amount received in February | $32,973 39 |
| Total amount expended in February | 7,737 52 |
| Balance on hand March 1st | $25,235 87 |

## EXPENDITURES FOR THE MONTH OF FEBRUARY, 1905.

| Date 1905. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Feb. 1 | Jas. K. Patterson, salary | $275 00 |
| | J. H. Neville, salary | 200 00 |
| | T. T. Jones, salary | 95 00 |

| | |
|---|---|
| Milford White, salary | 120 00 |
| W. K. Patterson, salary | 150 00 |
| J. L. Logan, salary | ..... |
| J. M. Davis, salary | 110 00 |
| V. E. Muncy, salary | 115 00 |
| W. W. H. Mustaine, salary | 100 00 |
| P. Wernicke, salary | 200 00 |
| Mrs. Stout, salary | 80 00 |
| Miss Elizabeth Kinkead, salary | 80 00 |
| R. N. Roark, salary | 200 00 |
| J. G. White, salary | 200 00 |
| J. H. Kastle, salary | 200 00 |
| F. P. Anderson, salary | 200 00 |
| A. M. Miller, salary | 200 00 |
| M. L. Pence, salary | 200 00 |
| J. P. Brooks, salary | 200 00 |
| C. W. Mathews, salary | 200 00 |
| A. S. Mackenzie, salary | 200 00 |
| J. W. Pryor, salary | 170 00 |
| J. R. Johnson, salary | 120 00 |
| J. T. Faig, salary | 160 00 |
| A. M. Wilson, salary | 120 00 |
| L. E. Nollau, salary | 60 00 |
| H. T. Freeman, salary | 60 00 |
| Miss Martha White, salary | 60 00 |
| J. F. Sandefur, salary | 85 00 |
| M. A. Doyle, salary | 40 00 |
| Gordon Thurman, salary | 40 00 |
| J. Harry Clo, salary | 45 00 |
| W. P. Kelly, salary | 15 00 |
| Miss Margaret Wilkie, salary | 15 00 |
| Sue D. McCann, salary | 15 00 |
| R. H. Barkley, salary | 15 00 |
| W. B. Burtt, salary | 25 00 |
| E. C. Vaughn, salary | 15 00 |
| Miss Alice Pence, salary | 15 00 |
| T. M. Smith, salary | 15 00 |
| W. B. Crutchfield, salary | 15 00 |
| Miss Anna B. Jones, salary | 35 00 |
| Jos. Dicker, salary | 58 34 |
| R. S. Bullock, salary | 8 34 |
| D. C. Frazee, salary | 100 00 |
| Miss H. C. Hodges, salary | 40 00 |
| L. D. Moore, salary | 40 00 |
| Thos. Aubrey, salary | 40 00 |
| R. A. Milligan, salary | 58 34 |
| John Smith, salary | 18 00 |

| | | |
|---|---|---|
| | Pier Whiteman, salary | 20 00 |
| | Washington Ellis, salary | 20 00 |
| | Charlie Williams, salary | 5 00 |
| | Armstead Mitchell, salary | 25 00 |
| | Charlie Turner, salary | 25 00 |
| | J. T. Friley, salary | 30 00 |
| | Mrs. L. Blackburn, salary | 80 00 |
| 2 | D. C. Frazee, current expenses | 57 73 |
| | F. C. Elkins, postage | 20 00 |
| | D. C. Frazee, current expenses | 57 73 |
| | F. C. Elkins, postage | 20 00 |
| | Underwood Typewriter Co., typewriter | 100 00 |
| 3 | Southern School Journal, advertising | 12 00 |
| | Munn & Co., periodicals | 7 00 |
| | Fayette Telephone Co., rentals | 12 45 |
| | East Tennessee Telephone Co., rentals | 4 00 |
| | Lexington Railway Co., lights | 80 60 |
| | Lexington Hydraulic & Mfg. Co., water | 99 28 |
| | Lexington Plumbing Co., plumbing | 28 90 |
| | J. J. Fitzgerald, plumbing | 15 97 |
| | E. Bitterman & Son, tinner | 53 98 |
| | Smith, McKinney Co., disinfecting | 1 75 |
| | The Journal Co., advertising | 40 00 |
| | Cambridge Bottle Supply Co., supplies | 7 80 |
| | J. M. Greenway, books | 9 35 |
| 6 | F. A. Trowbridge, tinner | 7 50 |
| | Jas. M. Byrnes, stationery and printing | 189 75 |
| | Ward's Nat. Science Est., supplies | 50 00 |
| | Randolf Paper Box Co., trays | 15 00 |
| | Allis, Chambers, Co., supplies | 75 00 |
| | Arthur W. Hall Scientific Co | 70 21 |
| 8 | L. des Cognets & Co., coal, etc. | 988 77 |
| | Kinkead Coal Co., coal | 27 95 |
| | T. B. Dunhurst, gymnasium supplies | 1 75 |
| 9 | Standard Oil Co., oil | 116 91 |
| | S. M. Brown, carpenter work | 11 40 |
| | Nation Carbon Co., carbon for lights | 16 00 |
| | Queen City Supply Co., supplies | 39 54 |
| | Chas. Scribners & Sons, books | 4 90 |
| | C. F. Brower, & Co., furniture | 159 65 |
| 11 | L. des Cognets & Co., brick, etc | 15 20 |
| | Lee Anderson, student labor | 18 00 |
| 14 | D. C. Frazee, pay-roll, student labor | 24 67 |
| | Henry Heil Chemical Co., chemicals | 117 01 |
| | Combs Lumber Co., lumber | 5 80 |
| | Van Deren Hardware Co., hardware | 1 60 |
| | Queen & Co., apparatus | 11 00 |

| | | |
|---|---|---|
| | Jas. M. Byrnes, stationery | 19 35 |
| | McAdams & Morfords, drugs | 4 00 |
| | Leed, Nothrup & Co., books | 22 89 |
| | Wm. Robertson, brick work | 5 00 |
| | Miss Sarah DeLong, accompanist | 5 00 |
| | Simpkinson & Miller | 2 95 |
| | Keuffel & Esser Co., drawing material | 16 40 |
| 16 | Wilhoite & Poynter, student labor | 19 00 |
| | Barnes & Hall, chemicals | 71 46 |
| | F. C. Elkins, postage | 20 00 |
| | Total | $7,737 52 |

## RECEIPTS FOR THE MONTH OF MARCH, 1905.

| | |
|---|---|
| Balance on hand March 1, 1905 | $25,235 87 |
| Received from other sources | 114 81 |
| Received from student fees | 55 00 |
| Total | $25,405 68 |
| Total amount received in March, 1905 | $25,405 68 |
| Total amount expended in March, 1905 | 6,914 32 |
| Balance on hand April 1st | $18,491 36 |

## EXPENDITURES FOR THE MONTH OF MARCH, 1905.

| Date 1905. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Mar. 1 | Jas. K. Patterson, salary | $275 00 |
| | J. H. Neville, salary | 200 00 |
| | T. T. Jones, salary | 95 00 |
| | R. N. Roark, salary | 200 00 |
| | Milford White, salary | 120 00 |
| | W. K. Patterson, salary | 150 00 |
| | J. M. Davis, salary | 110 00 |
| | V. E. Muncy, salary | 115 00 |
| | W. W. H. Mustaine, salary | 100 00 |
| | P. Wernicke, salary | 200 00 |
| | Mrs. F. O. Stout, salary | 80 00 |
| | Miss Elizabeth Kinkead, salary | 80 00 |
| | J. G. White, salary | 200 00 |
| | J. H. Kastle, salary | 200 00 |
| | F. P. Anderson, salary | 200 00 |
| | A. M. Miller, salary | 200 00 |
| | M. L. Pence, salary | 200 00 |

| | | |
|---|---|---|
| | J. P. Brooks, salary | 200 00 |
| | C. W. Mathews, salary | 200 00 |
| | A. S. Mackenzie, salary | 200 00 |
| | J. W. Pryor, salary | 170 00 |
| | J. R. Johnson, salary | 120 00 |
| | J. T. Faig, salary | 100 00 |
| | A. M. Wilson, salary | 120 00 |
| | L. E. Nollau, salary | 60 00 |
| | H. W. Freeman, salary | 60 00 |
| | J, F. Sandefur, salary | 85 00 |
| | Miss Martha White, salary | 60 00 |
| | Jos. Dicker, salary | 58 34 |
| | Gordon Thurman, salary | 40 00 |
| | M. A. Doyle, salary | 40 00 |
| | J. Harry Clo, salary | 45 00 |
| | W. P. Kelly, salary | 15 00 |
| | Margaret D. Wilkie, salary | 15 00 |
| | Miss Sue D. McCann, salary | 15 00 |
| | W. B. Burtt, salary | 25 00 |
| | R. H. Barkley, salary | 15 00 |
| | E. C. Vaughn, salary | 15 00 |
| | Alice Pence, salary | 15 00 |
| | T. M. Smith, salary | 15 00 |
| | W. B. Crutchfield, salary | 15 00 |
| | Mrs. Anna B. Jones, salary | 55 00 |
| | R. S. Bullock, salary | 8 34 |
| | D. C. Frazee, salary | 100 00 |
| | Miss H. C. Hodges, salary | 40 00 |
| | Thos. Aubrey, salary | 40 00 |
| | L. D. Moore, salary | 40 00 |
| | R. A. Miligan, salary | 58 34 |
| | John Smith, salary | 18 00 |
| | Pier Whiteman, salary | 20 00 |
| | Washington Ellis, salary | 20 00 |
| | Armstead Mitchell, salary | 25 00 |
| | Charlie Turner, salary | 25 00 |
| | Charlie Williams, salary | 20 00 |
| | J. T. Friley, salary | 30 00 |
| | L B. Blackburn, salary | 80 00 |
| 2 | D. C. Frazee, current expenses | 49 60 |
| | J. B. Ginochio, typewriting | 8 33 |
| | Lexington Railway Co., lights | 100 15 |
| | L. des Cognets & Co., coal | 627 58 |
| | Williamson & Son, lumber | 27 15 |
| | F. T. Justice & Co., cement, etc | 10 77 |
| | Hugh O'Neil, blacksmith, | 3 00 |
| | J. L. McGinnis, student labor | 15 00 |

| | | |
|---|---|---|
| | W. H. May, brooms | 7 25 |
| | J. M. Hansom, subscription | 9 00 |
| | Lexington Paper Co., toilet paper | 3 60 |
| | John T. Faig, music | 10 00 |
| | Street Railway Journal, subscription | 4 00 |
| | Lexington Engine Saw Mills Works, scraper | 1 50 |
| | Riehle Bros., supplies | 8 00 |
| | Queen & Co., apparatus | 72 00 |
| | Wm. Purnell, books | 4 50 |
| | American Book Co., books | 14 40 |
| | A. C. McClurg, books | 11 70 |
| | W. S. Bradley, soap | 6 00 |
| | J. J. Fitzgerald, plumbing | 8 23 |
| | Master & Bean, paints | 93 70 |
| | McClure & Bronston, stationery, etc | 95 88 |
| | T. B. Hay & Co., hardware | 17 50 |
| 3 | E. C. Kidd, lamps | 8 80 |
| | Shely & Co., electric work | 8 05 |
| | G. P. Putman & Sons, books | 1 78 |
| 6 | Grassilli Chemical Co., chemicals | 23 84 |
| | Whitall, Tatum & Co., apparatus | 15 36 |
| | Eimer & Amend, chemicals | 82 83 |
| | Bausch & Lomb Optical Co., instruments | 5 80 |
| | Shely & Co., electric work | 2 45 |
| | Jas. A. Milton, plumbing | 3 25 |
| 7 | Lexington Hydraulic & Manufacturing Co., water | 113 24 |
| | Queen & Co., physics | 43 98 |
| | Bayless Fruit Co., oats and corn | 7 50 |
| | Kinkead Coal Co., kindling | 3 34 |
| | F. E. Johns, photos | 8 00 |
| | Byrnes & Lewis, feed, | 14 09 |
| | J. J. Fitzgerald, plumbing | 10 52 |
| | Henry Holt, books | 3 60 |
| | Standard Electrical Co., electrical supplies | 3 88 |
| | W. J. Houlihan & Bro., repairs | 7 65 |
| | Standard Oil Co., oil and gasoline | 44 08 |
| | D. C. Frazee, pay-roll, student labor | 19 45 |
| | Miss Sarah DeLong, accompanist | 5 00 |
| 14 | John McChord, traveling expenses | 8 05 |
| | J. M. Hansom, subscriptions | 22 35 |
| | Wm. Purnell, books | 14 00 |
| 15 | Exchange Book Store, books | 15 60 |
| 17 | Bayless Fruit Co., feed | 5 04 |
| | W. J. Houlihan & Bros., stove | 2 30 |
| | F. C. Elkins, postage | 20 00 |
| 21 | Engineering Magazine, advertising | 13 33 |
| | Nernst Lamp Co., electrical supplies | 12 04 |

| | | |
|---|---|---|
| 22 | Tibbis Carpenter, traveling expenses | 21 42 |
| | F. P. Anderson, traveling expenses, inspection trip | 75 00 |
| | Holland Miller, student labor | 6 00 |
| | Brauanworth & Co., subscription | 1 80 |
| 23 | Queen Co., apparatus | 4 10 |
| | Total | $6,914 32 |

## RECEIPTS FOR THE MONTH OF APRIL, 1905.

| | |
|---|---|
| Balance on hand April 1, 1905 | $18,491 36 |
| Received from other sources | 45 59 |
| Total | $18,536 95 |
| Total amount received in April | $18,536 95 |
| Total amount expended | 6,363 01 |
| Balance on hand May 1st | $12,173 94 |

## EXPENDITURES FOR THE MONTH OF APRIL, 1905.

| Date 1905. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| Apr. 1 | Jas. K. Patterson, salary | $275 00 |
| | J. H. Neville, salary | 200 00 |
| | T. T. Jones, salary | 95 00 |
| | R. N. Roark, salary | 200 00 |
| | Milford White, salary | 120 00 |
| | W. K. Patterson, salary | 150 00 |
| | J. M. Davis, salary | 110 00 |
| | V. E. Muncy, salary | 115 00 |
| | W. W. H. Mustaine, salary | 100 00 |
| | P. Wernicke, salary | 200 00 |
| | Mrs. F. O. Stout, salary | 80 00 |
| | Miss Elizabeth Kinkead, salary | 80 00 |
| | J. G. White, salary | 200 00 |
| | J. H. Kastle, salary | 200 00 |
| | F. P. Anderson, salary | 200 00 |
| | A. M. Miller, salary | 200 00 |
| | M. L. Pence, salary | 200 00 |
| | J. P. Brooks, salary | 200 00 |
| | C. W. Mathews, salary | 200 00 |
| | A. S. Mackenzie, salary | 200 00 |
| | J. W. Pryor, salary | 170 00 |
| | J. R. Johnson, salary | 120 00 |
| | J. T. Faig, salary | 160 00 |

| | | |
|---|---|---|
| | A. M. Wilson, salary | 120 00 |
| | L. E. Nollau, salary | 60 00 |
| | H. W. Freeman, salary | 60 00 |
| | J. F. Sandefur, salary | 85 00 |
| | Martha White, salary | 60 00 |
| | Jos. Dicker, salary | 58 33 |
| | M. A. Doyle, salary | 40 00 |
| | Gordon Thurman, salary | 40 00 |
| | J. Harry Clo, salary | 45 00 |
| | W. P. Kelly, salary | 15 00 |
| | Miss Margaret Wilkie, salary | 15 00 |
| | W. V. Burtt, salary | 25 00 |
| | Miss Sue D. McCann, salary | 15 00 |
| | R. H. Barkley, salary | 15 00 |
| | E. C. Vaughn, salary | 15 00 |
| | Miss Alice Pence, salary | 15 00 |
| | T. M. Smith, salary | 15 00 |
| | W. B. Crutchfield, salary | 15 00 |
| | Mrs. Anna B. Jones, salary | 35 00 |
| | R. S. Bullock, salary | 8 33 |
| | D. C. Frazee, salary | 100 00 |
| | Miss H. C. Hodges, salary | 40 00 |
| | Thos. Aubrey, salary | 40 00 |
| | L. D. Moore, salary | 40 00 |
| | R. A. Milligan, salary | 58 33 |
| | John Smith, salary | 18 00 |
| | Pier Whiteman, salary | 20 00 |
| | Armstead Mitchell, salary | 25 00 |
| | Washington Ellis, salary | 20 00 |
| | Charlie Williams, salary | 10 00 |
| | Charlie Turner, salary | 25 00 |
| | J. T. Friley, salary | 30 00 |
| | Mrs. L. B. Blackburn, salary | 80 00 |
| 5 | D. C. Frazee, current expenses | 25 96 |
| | Lexington Water Co., water | 80 56 |
| | Lexington Railway Co., light | 81 10 |
| | Weaver, Palmer & Richmond, book | 1 13 |
| | Gordon Thurman, extra night work | 8 00 |
| | Engineering News, subscription | 4 00 |
| | W. S. Bradley, brooms, soap, etc | 22 38 |
| | Orange Judd & Co., books | 11 16 |
| | J. J. Fitzgerald, plumbing | 16 23 |
| | S. E. Cassino, books | 2 62 |
| | Eimer & Amend, chemicals | 22 50 |
| | Miss Sarah DeLong, accompanist | 5 00 |
| | H. M. Frazer, electrical work | 8 00 |
| | S. P. Townsend & Co., repairs | 9 12 |

| | | |
|---|---|---|
| | American Tool Co., supplies | 8 00 |
| | H. W. Wiesbrodt, halftone | 13 20 |
| | L. des Cognets & Co., coal | 324 54 |
| | D. Van Nostrand & Co., books | 5 80 |
| | Champlain & Smith, books | 1 43 |
| | Bayless Fruit Co., feed | 1 39 |
| | Shely & Co., electrical work | 3 00 |
| | Randolph Paper Box Co., traps | 6 10 |
| | R. J. Haight, books | 1 00 |
| | F. C. Elkins, postage | 20 00 |
| | Van Deren Hardware Co., hardware | 15 00 |
| | C. D. Cunningham, painting | 15 80 |
| 6 | Kinkead Coal Co., kindling | 2 50 |
| | Jas. M. Byrnes, stationery and priinting | 58 14 |
| | Transylvania Co., stationery and printing | 76 93 |
| | Brock & Co., tinners | 54 50 |
| | J. H. Hostetter, freight and drayage | 51 95 |
| 7 | Chas. Scribners & Son, books | 13 68 |
| | Fayette Home Telephone Co., rentals and tolls | 33 00 |
| | Jos. Hill, Secretary and Treaseasurer, subscription fee | 15 00 |
| | J. L. Melton, brick work | 3 00 |
| | American Type Foundry Co., supplies | 18 64 |
| | W. S. Bradley, brooms and mops | 6 00 |
| | Lexington Lumber Co., lumber | 34 15 |
| 11 | Jas. K. Patterson, traveling expenses | 17 55 |
| 12 | Standard Electrical Co., electrical supplies | 26 79 |
| | Standard Oil Co. oil and gasoline | 17 10 |
| 15 | D. C. Frazee, pay-roll, student labor | 28 67 |
| 17 | J. W. Stoll, insurance | 35 00 |
| | Geo. S. Milligan, carpenter work | 6 50 |
| | C. M. Bean, paint | 25 30 |
| 24 | F. C. Elkins, postage | 20 00 |
| | R. C. McDowell, fees refunded | 7 50 |
| 26 | Francis Bannerman, military supplies | 60 00 |
| | Total | $6,363 01 |

## RECEIPTS FOR THE MONTH OF MAY, 1905.

| | |
|---|---|
| Balance on hand May 1, 1905 | $12,173 94 |
| Received from Auditor, taxes | 1,114 63 |
| Received from rents | 46 50 |
| Received from other sources | 16 57 |
| Received from student fees | 5 00 |
| Total | $13,256 64 |

| | |
|---|---|
| Total amount received in May | $13,256 64 |
| Total amount expended in May | 6,168 12 |
| Balance on hond June 1st | $ 7,188 52 |

## EXPENDITURES FOR THE MONTH OF MAY, 1905.

| Date 1905. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| May 1 | Jas. K. Patterson, salary | $275 00 |
| | J. H. Neville, salary | 200 00 |
| | T. T. Jones, salary | 95 00 |
| | Milford White, salary | 120 00 |
| | W. K. Patterson, salary | 150 00 |
| | J. M. Davis, salary | 110 00 |
| | V. E. Muncy, salary | 115 00 |
| | R. N. Roark, salary | 200 00 |
| | W. W. H. Mustaine, salary | 100 00 |
| | P. Wernicke, salary | 200 00 |
| | Miss Elizabeth Kinkead, salary | 80 00 |
| | Mrs. F. O. Stout, salary | 80 00 |
| | J. G. White, salary | 200 00 |
| | J. H. Kastle, salary | 200 00 |
| | F. P. Anderson, salary | 200 00 |
| | A. M. Miller, salary | 200 00 |
| | M. L. Pence, salary | 200 00 |
| | C. W. Mathews, salary | 200 00 |
| | J. P. Brooks, salary | 200 00 |
| | J. W. Pryor, salary | 170 00 |
| | J. R. Johnson, salary | 120 00 |
| | J. T. Faig, salary | 160 00 |
| | A. M. Wilson, salary | 120 00 |
| | L. E. Nollau, salary | 60 00 |
| | T. W. Freeman, salary | 60 00 |
| | Miss Martha White, salary | 60 00 |
| | J. F. Sandefur, salary | 85 00 |
| | A. S. Mackenzie, salary | 200 00 |
| | Jos. Dicker, salary | 58 33 |
| | M. A. Doyle, salary | 40 00 |
| | Gordon Thurman, salary | 40 00 |
| | J. Harry Clo, salary | 67 50 |
| | Margaret D. Wilkie, salary | 15 00 |
| | W. B. Burtt, salary | 25 00 |
| | Miss Sue D. McCann, salary | 15 00 |
| | R. H. Barkley, salary | 15 00 |
| | E. C. Vaughn, salary | 15 00 |
| | Miss Alice Pence, salary | 15 00 |

| | | |
|---|---|---|
| | T. M. Smith, salary | 15 00 |
| | W. B. Crutchfield, salary | 15 00 |
| | Mrs. Anna B. Jones, salary | 35 00 |
| | H. L. Amos, salary | 15 00 |
| | R. S. Bullock, salary | 8 33 |
| | D. C. Frazee, salary | 100 00 |
| | Miss H. C. Hodges, salary | 40 00 |
| | L. D. Moore, salary | 40 00 |
| | Thos. Aubrey, salary | 40 00 |
| | R. A. Milligan, salary | 58 33 |
| | John Smith, salary | 22 00 |
| | Armstead Mitchell, salary | 25 00 |
| | Washington Ellis, salary | 20 00 |
| | Charlie Williams, salary | 10 00 |
| | Charlie Turner, salary | 25 00 |
| | J. T. Friley, salary | 30 00 |
| | Mrs. L. B. Blackburn, salary | 80 00 |
| | D. C. Frazee, current expenses | 22 49 |
| | Jas. K. Patterson, traveling expenses | 14 90 |
| 3 | Lexington Hydraulic & Mfg. Co., water | 79 74 |
| | Lexington Railway Co., lights | 72 05 |
| | Lexington Brick Co., brick | 2 00 |
| | L. des Cognets & Co., coal, etc | 203 31 |
| | F. Bush & Son, carpenter work | 183 05 |
| | Parker, Davis & Co., books, | 2 06 |
| | Smith & Moss, stationery | 1 50 |
| | Byrnes & Lewis, corn and oats | 3 20 |
| | F. E. Johns, photos | 8 00 |
| | Renew Lamp Co., lamp supplies | 20 00 |
| | Smith Premier Typewriter Co., repairs | 5 00 |
| | Chas. Scribner & Sons, books | 7 32 |
| | J. L. Melton, brick work | 14 15 |
| | J. J. Fitzgerald, plumbing | 5 65 |
| 5 | F. C. Elkins, postage | 5 07 |
| | R. M. Holland, student labor | 6 00 |
| 8 | Fayette Telephone Co., rentals | 12 40 |
| | East Tennessee Telephone Co., rentals | 4 20 |
| 10 | Standard Oil Co., oil and gasoline | 63 30 |
| | Yale, Towne Manufacturing Co., repairs | 1 60 |
| | D. C. Frazee, pay-roll, student labor | 22 80 |
| | Globe-Wernicke Co., case | 3 00 |
| | C. A. Peterson, maps | 2 00 |
| | Bayless Fruit Co., feed | 4 63 |
| | A. D. Merrill, drawing material | 3 00 |
| 11 | F. C. Elkins, postage | 20 00 |
| 12 | Collier's Weekly, advertising | 17 50 |
| | Cassiers Magazine, advertising | 4 00 |

| | | |
|---|---|---|
| | Engineering Magazine, advertising | 5 00 |
| | Engineering Record, advertising | 2 70 |
| | Vaughn Seed Store, seed | 5 71 |
| 15 | Transylvanian, advertising | 1 65 |
| | D. H. Farrell, Manager, advertising | 3 00 |
| | E. H. Cabaniss, Manager, advertising | 2 00 |
| | F. C. Donnell, advertising | 1 75 |
| 16 | R. S. Cohon, advertising | 2 50 |
| | Chas. A. Allison, advertising | 6 75 |
| | W. Burch Lee, Manager, advertising | 2 00 |
| | H. P. Dawson, Manager, advertising | 2 25 |
| 18 | Eimer & Amend, chemicals | 28 56 |
| | J. J. Fitzgerald, plumbing | 43 00 |
| | Wrenn & King, picture frames | 7 00 |
| | Grasselli Cremical Co., chemicals | 2 21 |
| | ndustrial Press, advertising | 2 50 |
| | J. B. Hay & Co., hardware | 90 10 |
| 22 | L. E. Rush, Mgr., advertising | 2 75 |
| | Queen & Co., apparatus | 64 00 |
| 25 | R. C. Terrill, Treas., Patterson Lt. Sov. | 20 00 |
| | F. C. Elkins, postage | 14 28 |
| | Total | $6,168 12 |

## RECEIPTS FOR THE MONTH OF JUNE, 1905.

| | |
|---|---|
| Balance on hand June 1, 1905 | $7,188 52 |
| Received from student fees | 12 50 |
| Received from auditor, interest on bonds | 4,322 25 |
| Received interest on deposits | 115 74 |
| Total | $11,639 01 |
| Amount expended during the month of June | $12,784 27 |
| Amount received during the month of June | 11,639 01 |
| Overdrawn July 1, 1905 | $ 1,145 26 |

## EXPENDITURES FOR THE MONTH OF JUNE, 1905.

| Date 1905. | To whom paid. What for. | Amt. paid. |
|---|---|---|
| June 1 | Jas. K. Patterson, salary, two months | $550 00 |
| | J. H. Neville, salary, two months | 400 00 |
| | T, T. Jones, salary, two months | 190 00 |
| | R. N. Roark, salary, two months | 400 00 |
| | Milford White, salary, two months | 240 00 |

| | |
|---|---|
| W. K. Patterson, salary, two months | 300 00 |
| J. M. Davis, salary, two months | 220 00 |
| V. E. Muncy, salary, two months | 230 00 |
| W. W. H. Mustaine, salary, two months | 200 00 |
| P. Wernicke, salary, two months | 400 00 |
| Mrs. F. O. Stout, salary, two months | 160 00 |
| Miss Elizabeth Kinkead, salary, two months | 160 00 |
| J. G. White, salary, two months | 400 00 |
| J. H. Kastle, two months | 400 00 |
| F. P. Anderson, salary, two months | 400 00 |
| A. M. Miller, salary, two months | 400 00 |
| M. L. Pence, salary, two months | 400 00 |
| C. W. Mathews, salary, two months | 400 00 |
| J. P. Brooks, salary, two months | 400 00 |
| A. S. Mackenzie, salary, two months | 400 00 |
| J. W. Pryor, salary, two months | 340 00 |
| J. R. Johnson, salary, two months | 240 00 |
| J. T. Faig, salary, two months | 320 00 |
| A. M. Wilson, salary, two months | 240 00 |
| L. E. Nollau, salary, two months | 120 00 |
| T. W. Freeman, salary, two months | 120 00 |
| Miss Martha White, salary, two months | 120 00 |
| J. F. Sandefur, salary two months | 170 00 |
| Jos. Dicker, salary, one month | 58 33 |
| M. A. Doyle, salary, one month | 40 00 |
| Gordon Thurman, salary, one month | 40 00 |
| J. Harry Clo, salary, two months | 105 00 |
| Margaret D. Wilkie, salary, two months | 30 00 |
| W. B. Burtt, salary, two months | 50 00 |
| Sue D. McCann, salary, two months | 30 00 |
| R. H. Barkley, salary, two months | 30 00 |
| E. C. Vaughn, salary, two months | 30 00 |
| Miss Alice Pence, salary, two months | 30 00 |
| T. M. Smith, salary, two months | 30 00 |
| W. B. Crutchfield, salary, two months | 30 00 |
| H. L. Amos, salary, two months | 30 00 |
| R. S. Bullock, salary, one month | 8 33 |
| D. C. Frazee, salary, one month | 100 00 |
| Miss H. C. Hodges, salary, one month | 40 00 |
| Mrs. Anna B. Jones, salary, one month | 35 00 |
| R. A. Milligan, salary, one month | 58 33 |
| Thos. Aubrey, salary, one month | 40 00 |
| L. D. Moore, salary, one month | 40 00 |
| John Smith, salary, one month | 22 00 |
| Charlie Turner, salary, one month | 25 00 |
| Armstead Mitchell, salary, one month | 25 00 |
| Washington Ellis, salary, one month | 20 00 |

| | | |
|---|---|---|
| | Charlie Williams, salary, one month | 10 00 |
| | J. T. Friley, salary, one month | 30 00 |
| | Mrs. L. B. Blackburn, salary, two months | 160 00 |
| | Officers of battalion, salary | 355 00 |
| | Student traveling expenses | 1,457 34 |
| 2 | D. C. Frazee, current expenses | 57 35 |
| | Jas. K. Patterson, traveling expenses | 2 60 |
| 3 | Southern School Journal, advertising | 20 88 |
| | A. M. Miller, petty cash account | 6 78 |
| | Miss Emma Weorner, Pres. of College Society | 20 00 |
| | John M. Greenway, books | 8 94 |
| | John M. McChord, trustees meeting | 13 65 |
| | McD. Ferguson, trustees' meeting | 34 80 |
| | R. W. Nelson, trustees meeting | 17 75 |
| | C. J. Norwood, traveling expenses | 1 70 |
| 5 | R. M. Holland, traveling expenses | 7 80 |
| | M. L. Pence, petty cash account | 10 00 |
| | Hugh O'Neil, shoeing mule | 1 75 |
| | L. des Cognets & Co., lime and sand | 63 42 |
| | Lexington Hydraulic and Manufacturing Co., water | 97 31 |
| | Lexington Railway Co., lights | 28 95 |
| | J. P. Morton & Co., printing | 65 00 |
| | Cotrell & Leonard, caps and gowns | 33 00 |
| | W. W. H. Mustaine, gymnasium supplies | 31 70 |
| 6 | F. C. Elkins, postage | 20 00 |
| | J. T. Faig, music | 20 00 |
| | Basil M. Brooks, trustees' meeting | 32 00 |
| | Kaufman, Straus & Co., ribbon for diplomas | 1 80 |
| | G. B. Putnam & Sons, maps | 9 85 |
| | Payne & Beard, tinwork | 11 20 |
| | Wm. Purnell, books | 6 30 |
| | Lee Anderson, student labor | 4 50 |
| 7 | Tibbis Carpenter, trustees meeting | 29 67 |
| | Geo. Cline, student traveling expenses | 4 80 |
| 13 | Miss M. G. Clay, lettering diplomas | 59 25 |
| 22 | Chas. Scribners & Son, books | 4 95 |
| | Lexington Engine and Saw Mill Works, scraper, etc. | 18 75 |
| | A. C. McClurg, & Co., books | 4 39 |
| | J. G. White payment of telescope | 295 45 |
| | Transylvania Co., stationery and printing | 125 85 |
| | Standard Oil Co., oil | 22 85 |
| | Jas. K. Patterson, traveling expenses | 18 33 |
| | F. C. Elkins, postage | 35 00 |
| | J. P. Donovan, plastering | 30 00 |
| 28 | The Robt, Clarke Co., books | 18 24 |
| | Standard Electrical Co., electrical supplies | 20 02 |
| | L. M. Prince, drawing material | 48 38 |

| | |
|---|---|
| Eugene Deitzgen Co., drawing material | 40 22 |
| Lexington Railway Co., motor | 35 04 |
| Jas. Clarke, Jr., Co., supplies | 13 59 |
| H. F. Weber & Co., supplies Mech. Eng. | 51 03 |
| Total | $12,784 27 |

## SUMMARY OF THE RECEIPTS AND EXPENDITURES FOR THE YEAR 1904-1905.

### Receipts.

| | |
|---|---|
| July | $ 5,817 29 |
| August | 21,428 10 |
| September | 8,155 69 |
| October | 424 50 |
| November | 59 25 |
| December | 12,262 88 |
| 1905. | |
| January | 673 75 |
| February | 20,203 31 |
| March | 169 81 |
| April | 45 59 |
| May | 1,182 70 |
| June | 4,450 49 |
| Total | $74,873 36 |

### Expenditures.

| | | |
|---|---|---|
| Overdrawn July 1, 1904 | $ 1,492 15 | |
| July | 1,946 50 | |
| August | 1,729 20 | |
| September | 968 11 | |
| October | 7,939 98 | |
| November | 7,077 08 | |
| December | 12,166 99 | |
| 1905. | | |
| January | 2,731 37 | |
| February | 7,737 52 | |
| March | 6,914 32 | |
| April | 6,363 01 | |
| May | 6,168 12 | |
| June | 12,784 27 | |
| | $76,018 62 | |
| Overdrawn July 1, 1905 | | $ 1,145 26 |
| Total | | $76,018 62 |

| | |
|---|---|
| Overdrawn July 1, 1905 | $ 1,145 26 |
| Due note, Fayette National Bank | 20,000 00 |
| Interest on above | 500 00 |
| Total indebtedness July 1, 1905 | $21,645 26 |

## COLLEGIATE YEAR 1905-1906.

| Faculty. | Faculty assistants and employes with salaries. | By whom appointed. |
|---|---|---|
| James K. Patterson, President, Professor of History, Political Economy and Metaphysics | $3,300 00 | Bd. Trus. |
| James G. White, Professor of Mathematics and Astronomy | 2,000 00 | " " |
| J. H. Neville, Vice-president, Professor of Greek and Latin | 2,000 00 | " " |
| W. K. Patterson, Principal of the Academy | 1,500 00 | " " |
| Chase Palmer, Professor of Chemistry | 1,500 00 | " " |
| Milford White, Principal of the Normal School | 1,500 00 | " " |
| J. W. Pryor, Professor of Anatomy and Physiology | 1,800 00 | " " |
| F. P. Anderson, Professor of Mechanical Engineering | 2,000 00 | " " |
| C. W. Mathews, Professor of Botany, Horticulture and Agriculture | 2,000 00 | " " |
| A. M. Miller, Professor of Geology and Zoology | 2,000 00 | " " |
| M. L. Pence, Professor of Physics | 2,000 00 | " " |
| Paul Wernicke, Professor of Modern Languages | 2,000 00 | " " |
| J. P. Brooks, Professor of Civil Engineering | 2,000 00 | " " |
| A. S. Mackenzie, Professor of English and Logic | 2,000 00 | " " |
| C. J. Norwood, Professor of Mining Engineering | (Paid by State.) | |
| J. T. Faig, Professor of Machine Design | 1,700 00 | " " |
| W. B. Burtt, Commandant and Professor of Military Science and Tactics | (Paid by U. S. Gov.) | |
| Mrs. Florence O. Stout, Physical Director | $ 800 00 | Bd. Trus. |
| W. W. H. Mustaine, Physical Director | 1,000 00 | " " |
| Miss Elizabeth S. Kinkead, Lecturer on English Literature | 800 00 | " " |

### Assistants.

| | | |
|---|---|---|
| R. E. Warren, Asst. in Acadamey | $ 700 00 | President. |
| L. N. Taylor, Asst. in Academy | 500 00 | " |
| J. F. Sandifur, Asst. in Academy | 750 00 | " |
| J. M. Davis, Asst. Professor of Mathematics | 1,000 00 | Bd. Trus. |
| E. H. Crawford, Asst. in Normal School | 533 00 | " " |

| | | |
|---|---|---|
| A. G. Spillman, Asst. Inspector of Mines, paid by College (Remainder paid by State.) | 300 00 | Bd. Trus. |
| Joseph Dicker, Asst. in Mechanical Engineering | 700 00 | " " |
| T. T. Jones, Asst. in Latin, Greek and German.. | 1,050 00 | " " |
| Miss Martha R. White, Asst. in Mathematics.... | 700 00 | President. |
| A. M. Wilson, Asst. Professor Electrical Engineering | 1,300 00 | Bd. Trus. |
| L. E. Nollau, Asst. in Drawing and Wood Shop.. | 700 00 | President. |
| C. W. Ham, Asst. in Machine Shop..... | 600 00 | " |
| Gordon Thurman, Asst. in Wood Shop..... | 480 00 | " |
| M. Ramey, Asst. in Mechanical Laboratory..... | 480 00 | " |
| W. B. Burtt, Fellow and Asst. in Civil Engineering | 250 00 | " |
| Miss A. C. Pence, Fellow and Asst. in Anatomy and Physiology | 150 00 | " |
| W. S. Webb, Fellow and Asst. in Physics and Instructor in Free Hand Drawing..... | 600 00 | " |
| Miss M. D. E. Wilkie, Fellow and Asst. in Botany | 150 00 | " |
| Miss S. D. McCann, Fellow and Asst. in Entomology and Zoology..... | 300 00 | " |
| H. B. Pope, Fellow and Asst. in Mining Engineering | 150 00 | " |
| G. W. Paddison, Fellow and Asst. in Chemistry | 500 00 | " |
| W. B. Crutchfield, Fellow and Asst. in English.. | 300 00 | " |
| J. S. McHargue, Fellow and Asst. in Chemistry. | 100 00 | " |
| Byron McClelland, Fellow in Chemistry..... | 100 00 | " |

**Other Officers and Employes.**

| | | |
|---|---|---|
| Mrs. Lucy B. Blackburn, Monitress..... | $ 800 00 | Bd. Trus. |
| Miss H. C. Hodges, Registrar..... | 480 00 | President. |
| D. C. Frazee, Business Agent..... | 1,200 00 | Bd. Trus. |
| Mrs. C. E. Wallis, Matron Patterson Hall..... | 480 00 | " " |
| R. A. Milligan..... | 700 00 | " " |
| L. D. Moore..... | 600 00 | " " |
| Thos. Aubrey ..... | 480 00 | " " |
| Tom West ..... | 200 00 | President. |
| John Gibbs ..... | 250 00 | " |
| Washington Ellis ..... | 240 00 | " |
| Pier Whiteman ..... | 240 00 | " |
| Charlie Williams ..... | 200 00 | " |
| Armstead Mitchell ..... | 250 00 | " |
| J. T. Friley..... | 360 00 | Bd. Trus. |
| Mrs. A. B. Jones..... | 420 00 | " " |

And then the House adjourned until 8 o'clock p. m.

NIGHT SESSION.

At 8 p. m the House met pursuant to adjournment.

The committees to which the same had been referred reported bills of the following titles, viz.:

By Mr. Redwine, of the Committee on Kentucky Statutes:

H. B. 203. An act to require personal representatives to publish notice of their application to be discharged from liability on account of their trust.

By same:

H. B. 254. An act to amend section 1214 of the Kentucky Statutes concerning seduction.

By Mr. Byland, of the Committee on Insurance:

H. B. 366. An act relating to fire and life insurance companies be required to keep bonds and securities on deposit with the Insurance Commissioner of the par value of $100,000.00.

With the expression of opinion that said bills ought not to pass.

The question being taken on ordering said bills to a reading, the opinion of the committee to the contrary notwithstanding, it was severally decided in the negative, and so said bills were rejected.

By Mr. Redwine, of the Committee on Kentucky Statutes:

H. B. 127. An act providing for the appointment of a truant officer by the trustees of common school districts.

Ordered that said bill be recommitted to the Committee on Education No. 1.

By Mr. Shellman, of the Committee on Appropriations, to which the same had been recommitted:

H. B. 377. An act to provide for the appointment of a State

printing superintendent, defining his duties and providing compensation therefor.

Ordered that said bill be read the second time.

The provision of the Constitution as to the second reading of said bill being dispensed with, said bill was read the second time by its title.

Ordered that said bill be placed in the orders of the day.

By same:

H. B. 76. An act to amend and re-enact an act to provide for the inspection of nursery stock, and to prevent the dissemination of noxious insects and fungi.

By same:

H. B. 185. An act appropriating $10,000.00, and authorizing the Governor to appoint five commissioners for the purpose of purchasing and erecting a statue each of Henry Clay and William Goebel in the old Hall of Representatives in the United States Capitol Building in Washington, D. C.

Ordered that said bills be made the special order of the day for Thursday, March 1st, proximo.

The committee which originated the same, reported bills of the following titles, viz.:

By Mr. Redwine, of the Committee on Kentucky Statutes:

H. B. 497. An act repealing the charter of the town of Willard, in Carter county.

By same:

H. B. 498. An act to prevent sheriffs and deputy sheriffs from practicing law, in cases triable by a jury, and fixing a penalty.

By same:

H. B. 499. An act to amend an act entitled, "An Act to prevent the suppression of testimony."

By same:

H. B. 500. An act to amend chapter 107, Kentucky Statutes, Carroll's edition of 1903, and providing for supplying of a burned record the original of which is in the archive records of the Auditor of Public Accounts.

By Mr. Gates, of the same committee:

H. B. 501. An act to amend and re-enact section 251 of article 6, chapter 171 of an act of 1891-2-3, entitled "An act providing for the creation and regulation of a private corporation," which became a law April 5, 1893, and being section 857, Kentucky Statutes.

Said bills were severally read the first time at length, ordered to be printed and placed on the calendar.

By Mr. Simmons, of the Committee on Judiciary.

S. B. 113. An act to amend section 822, subdivision 3, of article 5, chapter 32, entitled "Corporations," of the Kentucky Statutes.

With an amendment thereto.

By same:

H. B. 251. An act to amend an act relating to courts of justice, changing the terms of court in all the counties of the Fourteenth Judicial District.

With an amendment thereto by way of substitute therefor.

By same:

H. B. 450. An act to amend section 612a of the Kentucky Statutes relative to banks and trust companies and to re-enact the same as amended.

By same:

H. B. 353. An act to amend section 1886 of the Kentucky Statutes edited and compiled by John D. Carroll in 1903.

By same:

H. B. 210. An act authorizing the condemnation of lands and material by corporations or companies organized for the purpose of constructing, maintaining or operating union railway stations.

With an amendment thereto.

By same:

H. B. 281. An act to provide for an appeal to the Court of Appeals in a proceeding for a writ of habeas corpus.

By same:

H. B. 422. An act to amend section 2021, Kentucky Statutes.

By same:

H. B. 420. An act to amend section 2020, Kentucky Statutes.

By same:

H. B. 421. An act to amend section 2016, Kentucky Statutes.

By same:

H. B. 423. An act to amend section 2033, Kentucky Statutes.

By same:

H. B. 305. An act to amend section 4300, Kentucky Statutes.

By same:

H. B. 179. An act to amend subsection 7, section 1019a, Kentucky Statutes, providing for stenographic reporters in courts having continuous session.

By same:

H. B. 242. An act to prohibit spirituous, vinous or malt liquors from being shipped into any local option district.

With an amendment thereto by way of substitute therefor.

By same:

H. B. 351. An act relating to persons between the ages of sixteen and twenty-one visiting saloons, and fixing punishment therefor.

By same:

S. B. 34. An act to amend section 1155, Kentucky Statutes.

By same:

S. B. 33. An act to amend section 1214, Kentucky Statutes.

By Mr. Redwine, of the Committee on Kentucky Statutes:

H. B. 160. An act to amend section 2560, Kentucky Statutes, being a portion of article 1, of chapter 81 of the Kentucky Statutes, entitled, "Liquors—Intoxicating."

By same:

H. B. 252. An act to regulate the carrying, moving, delivering, transferring or distributing of intoxicating liquors in local option districts.

With an amendment thereto.

By same:

S. B. 105. An act to authorize the building or repairing of dirt, gravel or ballast roads by taxation in counties of this Commonwealth with a less assessed valuation than that of three million dollars, and providing how said funds shall be disbursed.

By same:

H. B. 365. An act relating to fees.

By same:

H. B. 275. An act allowing persons to give bond to work out their fines in their road precinct.

By same:

S. B. 128. An act to amend section 4315, Kentucky Statutes.

By same:

H. B. 29. An act to amend an act, entitled, "An act relating to executions."

By same:

S. B. 121. An act for the prohibition of steel trap setting.

By same:

H. B. 459. An act to amend section 418a, chapter 23, of Kentucky Statutes.

With an amendment thereto.

By same:

H. B. 342. An act to amend section 1085, article 7, chapter 35, Kentucky Statutes, and providing for a place of holding justices' courts.

By same:

H. B. 343. An act to amend section 440, article 2, chapter 25, Kentucky Statutes, and providing for the place of maintaining the office of constable.

By same:

H. B. 119. An act to amend section 3588, Kentucky Statutes.

By same:

H. B. 427. An act to amend section 136 of the Kentucky Statutes.

By same:

H. B. 79. An act in relation to the assignment of wages or salary.

By same:

H. B. 367. An act to amend section 1785 of article 1, chapter 48, Kentucky Statutes, Carroll's edition, by giving the part owner of a division fence a lien upon the land of the other part owner for the costs of repairing or building a division fence between them.

By same:

H. B. 474. An act to amend an act, entitled "Mills," which became a law March 29, 1902, and is now section 2721, Kentucky Statutes.

By Mr. McKnight, of the same committee.

H. B. 196. An act for the benefit of the office of Attorney General, to provide assistants, defining their duties and fixing their compensation, and providing for certain records to be kept in the office.

With an amendment thereto by way of substitute therefor.

By same:

H. B. 413. An act for the benefit of the Auditor.

With an amendment thereto.

By Mr. H. K. Cole, of the Committee on Internal Improvements:

H. B. 470. An act to amend section 27, chapter 47, of the Acts of 1894, being section 4313 of the Kentucky Statutes, which said section, chapter and act was approved March 10, 1894, and relates to public roads.

By same:

H. B. 468. An act to amend section 4289, Kentucky Statutes, with reference to opening and closing public roads.

By Mr. Klair, of the Committee on Municipalities:

H. B. 91. An act to amend an act, entitled "An act for the government of cities of the second class in the Commonwealth of Kentucky.

By same:

H. B. 467. An act to amend section 3646, Kentucky Statutes.

By same:

H. B. 441. An act to amend section 3264, Kentucky Statutes, relative to charters of cities of the third class.

By same:

H. B. 443. An act to amend section 3295, Kentucky Statutes, relative to charters of cities of the third class.

By Mr. Paynter, of the Committee on Propositions and Grievances:

H. B. 171. An act to amend section 125 of General Statutes.

By same:

H. B. 463. An act providing for the disposition of saw-logs, trees, cross-ties or other timber drifted along the streams of the Commonwealth of Kentucky.

By Mr. Stone, of the Committee on Education No. 2:

H. B. 389. An act to repeal chapter 296 of the Session Acts of 1887 and 1888.

By same:

H. B. 15. An act to abolish a graded common school district.

By same:

S. B. 19. An act to amend and re-enact section 4426 of the Kentucky Statutes.

By Mr. Thompson, of the Committee on Agriculture:

H. B. 335. An act to regulate fees of stock yards.

By same:

H. B. 373. An act to regulate the sale of concentrated feeding stuffs, defining same, and fixing penalties for violation thereof.

With an amendment thereto by way of substitute therefor.

By Mr. George S. Wilson, of the Committee on Corporate Institutions:

H. B. 266. An act making it a misdemeanor for any person, company or corporation engaged in operating a coal mine to permit any person to work in a room of his, its or their coal mines, who has not had two years' experience with or as a practical miner, or unless such person be accompanied by some other person in such work who has had two years experience as a practical miner; and fixing a penalty for the violation of same.

By same:

H. B. 277. An act to provide for the care and protection of live stock while confined in pens adjacent to railroads and navigable streams.

By same:

H. B. 360. An act to amend an act, entitled "An act providing for the creation and regulation of private corporations."

By Mr. Shellman, of the Committee on Appropriations:

S. B. 117. An act to increase the compensation of the private secretary of the Governor.

By same:

S. Res. 6. Resolution authorizing the auditing and payment of a loan made to the State by the State National Bank, of Frankfort, Kentucky.

By Mr. Croan, of the Committee on Railroads:

H. B. 318. An act to regulate charges on excess baggage on all steam and electric railroads.

By Mr. Embry, of the Committee on Revenue and Taxation:

S. B. 55. An act to put financial corporations which heretofore paid State taxes under the revenue act of 1886, known as the Hewitt law, on the same footing with the banks and trust companies of this State, in reference to the overpayment of taxes.

By Mr. Arnett, of the Committee on Circuit Courts:

H. B. 295. An act to supplement the salary of circuit judges in counties containing cities of the second class.

By same:

H. B. 469. An act to further regulate the time of holding courts in the nineteenth, twentieth and thirty-second judicial districts, and amending an act.

By Mr. Paynter, of the Committee on Public Health:

H. B. 53. An act requiring the publication of formulas of all proprietary medicine.

By same:

H. B. 429. An act to provide for the establishment and the maintenance, in counties which contain a city of the first class, of a hospital for the treatment of persons afflicted with tuberculosis.

By Mr. Byland, of the Committee on Insurance :

H. B. 390. An act concerning domestic life insurance companies.

With an amendment thereto by way of substitute therefor.

By same:

H. B. 292. An act to further regulate life insurance companies doing business in this State.

With an amendment thereto by way of substitute therefor.

By same:

H. B. 222. An act requiring all persons licensed by the Insurance Department of this State to present to the county clerk of each county in which the person or agent solicits insurance the license issued by the Insurance Department, and cause said clerk to certify that the same has been presented to him, and a record of the same made in his office.

By same:

H. B. 380. An act to further regulate the business of fire and tornado insurance in this Commonwealth.

By Mr. Robertson, of the Committee on Redistricting:

H. B. 457. An act to divide the State of Kentucky into one hundred representative districts.

By same:

S. B. 95. An act to amend and re-enact an act, entitled "An act to reapportion the State into eleven congressional districts, approved May 26, 1890, and amendatory acts thereto, being section 418a, chapter 23a, Kentucky Statutes.

By Mr. Embry, of the Committee on Fish, Game and Forestry.

S. B. 100. An act creating a State Board of Agriculture, Forestry and Immigration, specifying the duties thereof and appropriating money therefor.

By Mr. Mulcahy, of the Committee on Public Monuments and Historical Records:

H. B. 399. An act to place the statue of James Guthrie in the Hall of Fame at Washington.

Said bills were severally read the first time at length and ordered to be placed on the calendar.

And then the House adjourned.

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TUESDAY, FEBRUARY 27, 1906.

The House opened with prayer by Rev. C. R. Hudson, of the Christian Church.

The reading of the Journal of yesterday's proceedings was dispensed with and the same was approved.

Upon the call of the counties and representative districts bills of the following titles were introduced, ordered to be printed, and referred as follows, viz.:

By Mr. Drewry:

H. B. 502. An act to provide for the appointment of counsel to defend poor persons under indictment for crime and to provide for the compensation thereof.

To the Committee on Judiciary.

By Mr. Munnell Wilson:

H. B. 503. An act to prevent the fradulent disposition of personal property.

To the Committee on Kentucky Statutes.

By same:

H. B. 504. An act to provide that corporal punishment may be inflicted on all persons convicted in this Commonwealth of the offences of vagrancy, wife beating, child beating, petit larceny and disturbing public worship.

To the Committee on Kentucky Statutes.

By Mr. Arnett:

H. B. 505. An act authorizing the consolidation of actions for libel and evidence therein.

To the Committee on Circuit Courts.

By same:

H. B. 506. An act relating to libels.

To the Committee on Circuit Courts.

By Mr. Becker:

H. B. 507. An act in regard to keeping public roads in good repair.

To the Committee on Codes of Practice.

A message was received from the Senate announcing that they had received official information that the Governor had approved and signed bills, which originated in the Senate, of the following titles, viz.:

S. B. 79. An act to amend section 540, chapter 32, of the Kentucky Statutes.

S. B. 26. An act to appropriate funds for the improvement of the Western Kentucky Asylum for the Insane at Hopkinsville, Kentucky.

S. B. 9. An act for the benefit of the Eastern Kentucky Asylum for the Insane at Lexington.

S. B. 123. An act relating to the possession of lands and interests therein, where there has been or may be a severance of the mineral or other interests from the surface.

S. B. 156. An act authorizing the Court of Appeals to appoint a Cemmissioner of the Court of Appeals.

S. B. 157. An act to amend section 4692 of the Kentucky Statutes being a portion of chapter 126, title Treasurer—State.

That they had passed bills, which originated in the House, of the following titles, viz.:

H. B. 302. An act to repeal section 6 of the charter of the Corinth Academy.

H. B. 9. An act to amend an act regulating the terms of court in the thirteenth judicial district.

With an amendment to the last named bill.

That they had adopted resolution and passed bills of the following titles, viz.:

1. S. Res. 5. Resolution for the benefit of the custodian of public buildings.

2. S. Res. 14. Resolution for the benefit of John Dean.

3. S. B. 10. An act to prvide for the investigation of fires in this Commonwealth and to provide for the appointment of a deputy insurance commissioner to be designated fire marshal of the State of Kentucky. Also to provide for the payment of his salary and the payment of expenses incurred in the investigation of fires in this Commonwealth.

4. S. B. 81. An act to amend an act, entitled "An act to regulate the sale of intoxicating liquors by wholesale in this Commonwealth," which was approved March 22, 1904.

5. S. B. 106. An act to repeal and re-enact section 2554 of Kentucky Statutes as adopted being a part of chapter 81, article 1, and being a portion of the act of March the 10th, 1894.

6. S. B. 115. An act to repeal the charter of the town of Weston in Crittenden county.

7. S. B. 153. An act to amend and re-enact chapter 53, Ken-

tucky Statutes (Carroll's edition) the same including sections 1894 to 1898, being an act, entitled "An act to protect the fish in the waters of this State, aproved May 16th, 1893," and sections 1899 to 1905, being an act, entitled "An act for the protection of food fish in certain waters in Kentucky, approved March 19th, 1894."

8. S. B. 193. An act to amend section 4545 of the Kentucky Statutes dispensing with the presence of the Secretary of State in court to identify certified copies of records from his office.

9. S. B. 215. An act authorizing any county or subdivision thereof containing a city of the second class and in which no court of continuous session is authorized by law to supplement the salary of the judge of the circuit court district in which said county is located.

10. S. B. 231. An act to amend section 47 of an act, entitled "An act providing for the creation and regulation of private corporations," which became a law April the 5th, 1893, and which as heretofore amended has become and now is section 584 of the edition of the Kentucky Statutes compiled and edited by John D. Carroll and issued in the year 1903.

11. S. B. 264. An act authorizing the county courts of counties maintaining a system of free turnpikes to erect toll gates and collect toll and keep the same in repair.

Said resolution and bills were ordered to be printed and were by the Speaker referred to as follows, viz.:

One and two, to the Committee on Appropriations.

Three, to the Committee on Insurance.

Four and five, to the Committee on Public Morals.

Sixth, to the Committee on Cities and Towns of the Fourth, Fifth and Sixth Class.

Seven, to the Committee on Fish, Game and Forestry.

Eighth, to the Committee on Kentucky Statutes.

Nine, to the Committee on Circuit Courts.

Ten, to the Committee on Corporate Institutions.

Eleven, to the Committee on Internal Improvements.

Mr. Nall, of the Committee on Enrollments, reported that they had examined and found correctly enrolled a bill of the following title, viz.

H. B. 20. An act to promote the sheep industry and to provide a tax on dogs.

Thereupon all other business was suspended and said bills and joint resolutions were severally read at length and examined in open session. And, being found correctly enrolled, the Speaker, in open session, in presence of the House, affixed his signature thereto.

Ordered that the enrolling clerk deliver the same to the Senate.

The House took up for consideration from the calendar bills of the following titles, viz.:

S. B. 113. An act to amend section 822, subdivision 3 of article 5, chapter 32, entitled "Corporation" of the Kentucky Statutes.

With an amendment thereto.

H. B. 251. An act to amend an act, relating to courts of justice, changing the terms of courts in all the counties of the Fourteenth Judicial District.

With an amendment thereto by way of a substitute therefor.

H. B. 450. An act to amend section 612a of the Kentucky Statutes relative to banks and trust companies and to re-enact the same as amended.

H. B. 353. An act to amend section 1886 of the Kentucky Statutes, edited and compiled by John D. Carroll in 1903.

H. B. 210. An act authorizing the condemnation of lands and material by corporations or companies organized for the purpose of constructing, maintaining or operating Union Railway Stations.

With an amendment thereto.

H. B. 281. An act to provide for an appeal to the Court of Appeals in a proceeding for a writ of habeas corpus.

H. B. 422. An act to amend section 2021, Kentucky Statutes.

H. B. 420. An act to amend section 2020, Kentucky Statutes.

H. B. 421. An act to amend section 2016, Kentucky Statutes.

H. B. 423. An act to amend section 2033, Kentucky Statutes.

H. B. 305. An act to amend section 4300, Kentucky Statutes.

H. B. 179. An act to amend subsection 7, section 1019a, Kentucky Statutes, providing for stenographic reporters in courts having continuous session.

H. B. 242. An act to prohibit spirituous, vinous or malt liquors from being shipped into any local option district.

With an amendment thereto by way of substitute therefor.

H. B. 351. An act relating to persons between the ages of 16 and 21, visiting saloons, and fixing punishment therefor.

S. B. 34. An act to amend section 1155, Kentucky Statutes.

S. B. 33. An act to amend section 1214, Kentucky Statutes.

H. B. 160. An act to amend section 2560, Kentucky Statutes, being a portion of article 1, of chapter 81, of the Kentucky Statutes, entitled "Liquors—Intoxicating."

H. B. 252. An act to regulate the carrying, moving, delivering, transferring or distributing of intoxicating liquors in local option districts.

With an amendment thereto.

S. B. 105. An act to authorize the building or repairing of dirt, gravel, or ballast roads by taxation in counties of this Commonwealth, with a less assessed valuation than that of three million dollars, and providing how said funds shall be disbursed.

H. B. 365. An act relating to fees.

H. B. 275. An act allowing persons to give bond to work out their fines in their road precinct.

S. B. 128. An act to amend section 4315, Kentucky Statutes.

H. B. 29. An act to amend an act, entitled "An act relating to executions."

S. B. 121. An act for the prohibition of steel trap setting.

H. B. 459. An act to amend section 418a, chapter 23, of Kentucky Statutes.

With an amendment thereto.

H. B. 342. An act to amend section 1085, article 7, chapter 35, Kentucky Statutes, and providing for the place of maintaining the office of constable.

H. B. 119. An act to amend section 3588, Kentucky Statutes.

H. B. 427. An act to amend section 136, of the Kentucky Statutes.

H. B. 79. An act relating to the assignment of wages or salary.

H. B. 367. An act to amend section 1785, of article 1, chapter 48, Kentucky Statutes, Carroll's edition, by giving the part owner of a division fence, a lien upon the land of the other part owner for the costs of repairing or building a division fence, between them.

H. B. 474. An act to amend an act, entitled "Mills," which be- Kentucky Statutes, and providing for a place of holding Justice's courts.

H. B. 343. An act to amend section 440, article 2, chapter 25,

Kentucky Statutes. And providing for the place of maintaining the came a law March 29th, 1902, and is now section 2721, Kentucky Statutes.

H. B. 196. An act for the benefit of the office of attorney-general, to provide assistants, defining their duties and fixing their compensation, and providing for certain records to be kept in the office.

With an amendment thereto by way of substitute therefor.

H. B. 413. An act for the benefit of the Auditor.

With an amendment thereto.

H. B. 470. An act to amend section 27, chapter 47, of the acts of 1894, being section 4313 of the Kentucky Statutes, which said section, chapter and act was approved March 10, 1894, and relates to public roads.

H. B. 468. An act to amend section 4289, Kentucky Statutes, with reference to opening and closing public roads.

H. B. 91. An act to amend an act, entitled "An act for the government of cities of the second class in the Commonwealth of Kentucky.

H. B. 467. An act to amend section 3646, Kentucky Statutes.

H. B. 441. An act to amend section 3264, Kentucky Statutes, relative to charters of cities of the third class.

H. B. 443. An act to amend section 3295, Kentucky Statutes, relative to charters of cities of the third class.

H. B. 171. An act to amend section 125 of General Statutes.

H. B. 463. An act providing for the disposition of saw-logs, trees, cross-ties or other timber drifted along the streams of the Commonwealth of Kentucky.

H. B. 389. An act to repeal chapter 296 of the Session Acts of 1887 and 1888.

H. B. 15. An act to abolish a graded common school district.

S. B. 19. An act to amend and re-enact section 4426 of the Kentucky Statutes.

H. B. 335. An act to regulate fees of stock yards.

H. B. 373. An act to regulate the sale of concentrated feeding stuffs, defining same, and fixing penalties for violation thereof.

With an amendment thereto by way of substitute therefor.

H. B. 266. An act making it a misdemeanor for any person, company or corporation engaged in operating a coal mine, to permit any person to work in a room of his, its or their coal mines who has not had two years' experience with, or as a practical miner, or unless such person be accompanied by some other person in such work who has had two years experience as a practical miner, and fixing a penalty for the violation of same.

H. B. 277. An act to provide for the care and protection of live stock while confined in pens adjacent to railroads and navigable streams.

H. B. 360. An act to amend an act, entitled "An act providing for the creation and regulation of private corporations.

S. B. 117. An act to increase the compensation of the private secretary of the Governor.

S. Res. 6. Resolution authorizing the auditing and payment of a loan made to the State by the State National Bank, of Frankfort, Kentucky.

H. B. 318. An act to regulate charges on excess baggage on all steam and electric railroads.

S. B. 55. An act to put financial corporations which heretofore paid State taxes under the revenue act of 1886, known as the Hewitt law, on the same footing with the banks and trust companies of this State, in reference to the overpayment of taxes.

H. B. 295. An act to supplement the salary of circuit judges in counties containing cities of the second class.

H. B. 469. An act to further regulate the time of holding courts in the nineteenth, twentieth and thirty-second judicial districts and amending an act.

H. B. 53. An act requiring the publication of formulas of all proprietary medicine.

H. B. 429. An act to provide for the establishment and the maintenance in counties which contain a city of the first class of a hospital for the treatment of persons afflicted with tuberculosis.

H. B. 390. An act concerning domestic life insurance companies.

With an amendment thereto by way of substitute therefor.

H. B. 292. An act to further regulate life insurance companies doing business in this State.

With an amendment thereto by way of substitute therefor.

H. B. 222. An act requiring all persons licensed by the Insurance Department of this State to present to the county clerk of each county in which the person or agent solicits insurance the license issued by the Insurance Department and cause said clerk to certify that the same has been presented to him and a record of the same made in his office.

H. B. 380. An act to further regulate the business of fire and tornado insurance in this Commonwealth.

H. B. 457. An act to divide the State of Kentucky into one hundred representative districts.

S. B. 95. An act to amend and re-enact an act, entitled "An act to reapportion the State into eleven congressional districts, approved May 26, 1890, and amendatory acts thereto," being section 418a, chapter 23a, Kentucky Statutes.

S. B. 100. An act creating a State Board of Agriculture, Forestry and Immigration, specifying the duties thereof and appropriating money therefor.

H. B. 399. An act to place the statue of James Guthrie in the Hall of Fame at Washington.

Ordered that said bills be read the second time.

The provision of the Constitution as to the second reading of said bills at length being dispensed with, said bills were severally read the second time by their titles.

Ordered that said bills be placed in the orders of the day.

The House then, pursuant to an order, resolved itself into the Committee of the Whole House for the purpose of further considering a bill, entitled

H. B. 1. An act relating to revenue and taxation.

Mr. Johnson in the chair.

After a time the Speaker resumed the chair and called the House to order.

Mr. Johnson, of the Committee of the Whole, reported that said committee had had said bill under consideration, had made some further progress, but not having time to complete same, asked leave to sit again.

Which was granted.

And then the House adjourned until 3 o'clock this afternoon.

AFTERNOON SESSION.

At 3 o'clock p. m. the House met, pursuant to adjournment.

By unanimous consent the House took up for consideration, from the orders of the day, a bill entitled

H. B. 256. An act to amend an act, entitled "An act for the government of cities of the first class," approved July 1, 1893, together with the substitute as heretofore proposed by said committee. Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 69 of an act, entitled "An act for the government of cities of the first class," approved July 1, 1893 (which is section 2832 of the Kentucky Statutes), be, and the same is hereby, repealed, and in lieu thereof the following shall constitute said section, so that the same shall read as follows:

"Public ways, as used in this act, shall mean all public streets, alleys, sidewalks, roads, lanes, avenues, highways and thoroughfares. Improvements, as applied to public ways, shall mean all work and material used upon them in the construction and reconstruction thereof, and shall be made and done as may be prescribed herein. No ground laid off and dedicated as a street or alley by the owner within any territory heretofore or hereafter annexed to the city, whether said ground was so laid off and dedicated before or after the same was included within the city limits, shall be a public way of the city until the same shall be accepted as such public way by resolution or ordinance of the General Council enacted upon the recommendation of the board of public works. Upon the enactment by the general council of an ordinance upon the recommendation of the board of public works authorizing such action, it shall be the duty of the city attorney to institute an action for the city in the circuit court, for the purpose of closing any street or alley within the limits of the city, and to such suit all the owners of ground

abutting on such street or alley shall be made defendants, and if all of such defendants are competent to act for themselves and consent in writing to the closing prayed for, then the court shall render a decree accordingly; but without such consent the court shall hear proofs made by the parties, and if satisfied from the evidence that the closing would be beneficial to the city, and not injurious to any party not consenting, shall render a decree closing such street or alley."

§ 2. That section 70 of an act, entitled "An act for the government of cities of the first class," approved July 1, 1893 (which is section 2833 of the Kentucky Statutes), be, and the same is hereby, repealed, and in lieu thereof the following is inserted, so that said section shall read as follows:

"When the improvement is the original construction of any street, road, lane, alley or avenue, such improvement shall be made at the exclusive cost of the owners of lots in each fourth of a square, to be equally apportioned by the board of public works, according to the number of square feet owned by them respectively, and in such improvements the cost of the curbing shall constitute a part of the cost of the construction of the streets or avenue, and not of the sidewalk. Each subdivision of the territory bounded on all sides by principal streets shall be deemed a square. When the territory contiguous to any public way is not defined into squares by principal streets, the ordinance providing for the improvement of such public ways shall state the depth, not exceeding five hundred feet, on both sides of said improvement to be assessed for the cost of making the same, including the cost of the improvement of the intersections, if any, of said public way, according to the number of square feet owned by the parties respectively within the depth, as set out in the ordinance. The General Council shall have power by ordinance, recommended by the board of public works, to cause the digging and the walling of public wells and cisterns, and the placing of water plugs and fire hydrants and attachments to street water pipes in the public ways, and to apportion the cost thereof

exclusively against the owners of lots fronting the public ways to the middle of each square from the intersection at or near which the work shall be located according to the number of square feet in such lots, or in any other equitable mode of apportionment which the General Council may prescribe by ordinance, and lien shall exist against such lots for the respective apportionment by the board of public works, of the cost of digging and walling of public wells and cisterns, and the placing of water plugs and fire hydrants and attachments to street water pipes, with interest from the date of the apportionment at the rate of six per cent. per annum until paid."

§ 3. That section 205 of an act, entitled "An act for the government of cities of the first class," approved July 1, 1893 (being section 2991 of the Kentucky Statutes) be amended by inserting after the word "improvements" the words, "or personal property," so that said section, when amended, shall read as follows:

"Whenever, by the complaint of the party assessed or otherwise, it appears that any property has been assessed in a name other than that of the owner or holder, the city assessor shall, after notice through the mail to the owner or holder, at the time of the notice, make the correction, whether for the current or any preceding year, in his books, and certify such correction to the tax receiver; and to the corrected assessment and to the retrospective assessments hereinafter authorized, the remedies of sections 2997 and 3009, both inclusive, shall attach, beginning with the first of May after the correction of retrospective assessments is certified to the receiver. When any lands or improvements or personal property shall not be assessed in any one year, they may, when the omission is discovered, be assessed retrospectively for that year at any time not later than five years thereafter; but the lien thereby accruing to the city shall not prejudice the right of purchasers acquired in the meantime; and for any damage arising to the city by the loss of lien, the assessor guilty of the omission, together with his bondsmen, shall be liable. Any per-

son thus retrospectively assessed may, within thirty days after the mailing of a notice thereof to him, file in the assessor's office the complaint provided for in the next section. If he does so, the assessment shall not become binding, nor shall any bill be issued thereupon until it be passed on as in the next section provided."

§ 4. That section 206 of said act for the government of cities of the first class (which is section 2992 of the Kentucky Statutes), be amended by inserting before the word "lands" the words "personal property," so that said section, when amended, shall read as follows:

"The assessment books in the section named shall remain open in the assessor's office from the fifteenth to the thirtieth of November, and any one who thinks that his personal property, lands, or improvements, or those in which he has an interest, though they be not assessed in his name, have been assessed beyond their value, may, before the last-named day, file with the assessor his complaint, specifying the parcel and alleged excess, and the complaint shall forthwith be investigated by the board of equalization, which shall, according to the justice of the case, approve or reduce the assessment. It may, after notice to any taxpayer, increase the assessment, if satisfied, on investigation, that it is too low, either as to real or personal property.

§ 5. That section 212 of said act for the government of cities of the first class (which is section 2998 of the Kentucky Statutes) be repealed and in lieu thereof the following shall constitute said section, so that the same shall read as follows:

"All tax bills uncollected, in whole or in part, and which remain in the hands of the tax receiver on the first day of May succeeding the date on which they were listed with him for collection against any person owning property in his own right, shall be deemed a debt from such person to said city arising as by contract and may be enforced as such (except those against persons under the disability of infancy, coverture or unsound mind) by all rem-

edies given for the recovery of debt in any court of this Commonwealth otherwise competent for that purpose; and those bills assessed against an administrator, executor or trustee shall be a charge against the whole succession of trust estates and may be in either case enforced accordingly, this being in addition to the other remedies hereinafter given. All tax bills remaining unpaid on the first day of May succeeding the date on which they were listed with the tax receiver for collection, shall bear interest at the rate of one-half of one per cent. for every month, or fraction of a month, from date until the first day of the next succeeding May; and thereafter shall bear interest at the rate of one per cent. for every month, or fraction of a month, until paid."

§ 6. That section 225 of said act for the government of cities of the first class, and the amendments thereto (being section 3011 of the Kentucky Statutes) be, and the same is hereby, repealed and in lieu thereof the following shall constitute said section, so that the same shall read as follows:

"Pursuant to the authority conferred by section 2980 of the Kentucky Statutes, the General Council may, by ordinance, provide, in addition to ad valorem taxation, for licensing any business, trade, calling, occupation, or profession, and the using, or holding, or exhibiting any animal, article, or other thing, whether the same were or were not heretofore enumerated in any statute, and may fix in each case a license fee, all such fees to be paid into the sinking fund of such city.

"This act shall in no way affect the validity of any license heretofore issued nor any penalty already incurred under any statute or ordinance requiring a license in such city."

§ 7. That section 226 of said act for the government of cities of the first class (being section 3012 of the Kentucky Statutes) be repealed and in lieu thereof the following shall constitute said section, so that the same shall read as follows:

"Each ordinance of such city imposing a license shall fix the fee to be paid therefor by the licensee, and shall also prescribe a

penalty for failing to obtain said license when required so to do; provided, however, that nothing in any section of this act shall in any way affect the statutes and ordinances now in force in regard to liquor licenses."

§ 8. That section 67 of said act for the government of cities of the first class (being section 2829 of the Kentucky Statutes) be amended by striking out the last sentence thereof, and inserting in lieu thereof the following:

"Said board shall let said contract to the lowest and best bidder, which contract shall be subject to the approval of the General Council. Said board shall have the power to reject any and all bids," so that said section, when amended, shall read as follows:

"Whenever said board shall order any work to be done which, either by order of said board or according to law, is to be performed by independent contract, said board shall prepare and place on file in the office of said department complete drawings and specifications of said work. Thereupon said board shall cause a notice to be published in one daily or weekly newspaper of general circulation published in said city, once in each week for two weeks, informing the public of the general nature of the work, of the fact that the drawings and specifications are on file in said office, and of the nature and extent of the bond or security required, and calling for sealed proposals for said work by a day not earlier than ten days after the first of said publications. The board may, in its discretion, fix a later day for receiving said sealed proposals, providing such date shall be mentioned in each of said notices. Said board shall let said contract to the lowest and best bidder, which contract shall be subject to the approval of the General Council. Said board shall have the power to reject any and all bids."

§ 9. Owing to the fact that these amendments are needed to justly carry into effect the provisions of the act hereby amended, an emergency is hereby declared to exist and this act shall take effect and become a law from and after its passage and approval by the Governor.

Said substitute is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 64 of an act for the government of the cities of the first class, approved July 1, 1893, and being section 2826 of the Kentucky Statutes, be repealed and that, in lieu thereof, the following provisions shall take its place, namely:

No public way shall be opened, widened, narrowed, closed or constructed, and no sidewalk shall be constructed or reconstructed, and no public wells and cisterns shall be dug and walled except by ordinance recommended by the board of public works.

Hereafter no plat or map, laying out or offering for dedication any public way or easement in the territory within the limits of the city or within three miles of the said limits as then existing shall be received for record by, or be recorded in the office of the clerk of the county court of the county, except upon the conditions hereinafter named; and if the description of any deed, lease, mortgage or bond for titles to land within said territory refers to or is based upon any map or plat not now recorded or described, the land as binding upon any street, avenue, alley or other public way proposed or offered for dedication, immediately or in the future, for the use of the public and the purchaser, lessee, or mortgagee, said instrument or writing shall not be received for record by or be recorded in the office of the clerk of said court, except upon the following conditions, namely:

(a) Whenever any person desires to lay out or offer for dedication by a recorded plat any such public way or easement within the city limits, he shall file with the board of public works a topographical map or plat of the territory bounded or intersected or immediately adjacent to said proposed public way or easement, showing the levels of said land and the proposed names, nature and dimensions of the said public way or easement proposed or offered for dedication; and if said board think such proposed dedi-

cation of said public way or other easement would be beneficial to the public interests and suitable for the immediate or future acceptance of the city, said board shall approve the said map or plat and the chairman or secretary of said board shall subscribe a certificate of approval on said map and acknowledge the execution thereof before any officer authorized to take an asknowledgment to deeds; and thereupon said map or plat may be received for record by and be recorded in the office of the clerk of the county court.

If said board refuse to approve said map or plat in thirty days, the person offering the same may file a petition in the circuit court of the county against the city, stating the facts and filing a copy of said map or plat, and said suit shall begin and proceed and be tried as a civil action in equity, and if the court, at the hearing, believe that the plaintiff has shown that said proposed dedication would be beneficial to the public interests and suitable for the immediate or future acceptance of the city, the court shall order said map or plat to be received by the clerk of the county court for record in his office, when the legal fees for recording the same have been paid or tendered.

(b) Whenever any person desires to lay out or offer for dedication, by a recorded plat, any such public way or other easement outside the limits of the city, but within three miles thereof, he shall file a like topographical map with the board of public works and also with the judge of the county court, and if said board and said judge think such proposed dedication would be beneficial to the public interests and suitable for the immediate or future acceptance of the city when its boundaries embrace said land, said board and said county judge shall approve said plat or map in the manner above provided and said map or plat shall be received for record by and be recorded in the office of the clerk of the county court upon the payment of the legal fees therefor.

If said board or said county judge refuse for thirty days to approve said map or plat, the person offering the same shall have

the right to take a like appeal to the circuit court as provided for above.

The mere approval of such a map or plat by the board of public works or the county judge shall not be treated or held as of itself an acceptance of such an offer of dedication by the public authorities of the city or county, but when said public authorities are ready to accept or improve the public ways or other easements in the territory covered by said map or plat, they shall be accpted or improved in conformity with said map or plat.

Any person who shall lodge for record in the county clerk's office, and any county clerk or deputy of the county clerk who shall receive for record or permit to be lodged for record any plat or map or deed or other instrument contrary to the provisions of this act shall be guilty of a misdemeanor and be fined not less than twenty-five dollars and not more than one hundred dollars for each offense.

Said substitute was agreed to.

Ordered that bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

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|---|---|---|
| J. M. Alverson, | A. J. Gorham, | C. M. Paynter, |
| Louis W. Arnett, | H. H. Griffin, | M. M. Redwine, |
| John Barr, | B. P. Grigsby, Sr., | J. M. Robertson, |
| W. G. Baxter, | C. W. G. Hannah, | S. M. Russell, |
| Joe F. Bosworth, | L. P. Head, | J. T. Scott, |
| H. Kirby Bourne, | W. J. Jackson, | Ed. H. Shellman, |

| | | |
|---|---|---|
| J. C. Byland, | L. F. Johnson, | R. C. Simmons, |
| M. F. Campbell, | W. H. Jones, | T. J. Slaton, |
| Bennett Clarke, | Wm. F. Klair, | Emmet P. Slattery, |
| J. W. Clay, | Geo. D. Litsey, | W. H. Southall, |
| Sam. D. Cochran, | H. M. McCarty, | Hub L. Stevens, |
| Henry M. Cox, | Virgil McKnight, | John A. Stevens, |
| Lawrence J. Diskin, | M. H. McLean, | T. A. Weldon, |
| Thomas Drewry, | Chris Mueller, | W. T. White, |
| W. Reed Embry, | J. M. Mitchell, | Geo. S. Wilson, |
| M. T. Freeman, | James S. Morris, | Munnell Wilson, |
| Taylor P. Gabbard, | Ed. Mulcahy, | W. T. Wright, |
| Lloyd W. Gates, | Ion B. Nall, | Jas. C. Yaden—44. |

Those who voted in the negative were—

| | | |
|---|---|---|
| Peter Best, Jr., | A. J. Thompson, | J. A. Yates—4. |
| V. W. Morris, | | |

Resolved that the title thereof be as aforesaid.

Mr. Gooch moved that the House do now resolve itself into the committee of the whole House for the purpose of further considering a bill entitled:

H. B. 1. An act relating to revenue and taxation.

Said motion was agreed to.

Thereupon the House was resolved into a committee of the whole House for the purpose aforesaid.

Mr. Johnson in the chair.

After a time the Speaker resumed the chair and called the House to order.

Mr. Johnson, of the Committee of the Whole, reported that said committee had had under consideration said bill and had made some progress in the consideration thereof, but not having time to complete same, asked leave to sit again.

Which was granted.

And then the House adjourned.

WEDNESDAY, FEBRUARY 28, 1906.

The House opened with prayer by the Rev. T. F. Taliaferro, of the Methodist church.

The reading of the Journal of yesterday's proceedings was dispensed with and the same was approved.

Mr. Gooch moved that the House resolve itself into the Committee of the Whole House for the purpose of further considering a bill, entitled

H. B. 1. An act relating to revenue and taxation.

Said motion was agreed to.

The House was then resolved into the Committee of the Whole House for the purpose aforesaid.

Mr. Johnson in the chair.

After a time the Speaker resumed the chair and called the House to order.

Mr. Johnson, of the Committee of the Whole House, reported that they had had under consideration the bill aforesaid, had made some progress, but not having time to complete same, asked leave to sit again this afternoon.

Which was granted.

A message was received from the Senate, announcing that they had passed bills which originated in the House of Representatives of the following titles viz.:

H. B. 14. An act for the benefit of the Kentucky School for the Deaf.

H. B. 39. An act to amend section 2 of an act empowering the county courts of this Commonwealth to authorize the drainage

of lands where the same shall be conducive to the public health or convenience of its inhabitants, approved March 23, 1900, same being article 8, chapter 76, Kentucky Statutes.

H. B. 41. An act to amend section 1 of an act empowering the county courts of this Commonwealth to authorize the drainage of lands where the same shall be conducive to the public health of convenience of its inhabitants, approved March 23, 1900, same being article 8, chapter 76, Kentucky Statutes.

H. B. 71. An act creating the office of assistant county attorney in counties having a population of 150,000 or over and prescribing the qualifications, powers, duties and compensation thereof.

H. B. 100. An act to amend section 9, chapter 63, of the Acts of 1902, which became a law March 21, 1902.

That they had passed bills of the following titles, viz.:

(1) S. B. 18. An act to define and regulate the assessment of stock in corporations incorporated under the laws of Kentucky and of other States and territories of the United States.

(2) S. B. 63. An act providing for the extension of the boundaries of graded common school districts.

(3) S. B. 65. An act to amend and re-enact section 28 of article 5 of an act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19th, 1894. Said section being section 3133 of the Kentucky Statutes.

(4) S. B. 134. An act to amend and re-enact sections 919 and 920 of the Kentucky Statutes, chapter 34, article 4, relative to dividing or striking off territory.

(5) S. B. 140. An act concerning bonds required to be executed by persons acting in fiduciary capacities.

(6) S. B. 170. An act to repeal chapter 296 of the session acts of 1887 and 1888.

(7) S. B. 222. An act to amend section 27, chapter 47, of the acts of 1894, being section 4313 of the Kentucky Statutes, which said section, chapter and act were approved March 10, 1894, and relates to public roads.

(8) S. B. 224. An act providing for the appointment of a minister of the gospel as chaplain for the jail in cities of the first class.

(9) S. B. 261. An act to amend and re-enact section 3627 of the Kentucky Statutes, the same being a part of the charter of cities of the fifth class; to authorize the cities of the fifth class by their council to appoint one policeman in addition to the regular marshal, and to fix his salary.

Said bills were ordered to be printed and were by the speaker referred as follows, viz.:

The first and fourth to the Committee on Judiciary; second and sixth to the Committee on Education No 2; third, fifth and eighth to the Committee on Municipalities; seventh to the Committee on Internal Improvements; ninth to the Committee on Cities and towns of the fourth, fifth and sixth class.

Mr. Stewart, of the committee on cities and towns of the fourth fifth and sixth class, to which the same had been referred, reported a bill entitled,

H. B. 445. An act to amend and re-enact section 3629, Kentucky Statutes, the same being a part of the charter of cities of the fifth class; to authorize cities of the fifth class by their council to appoint one policeman in addition to the regular marshal and to fix his salary.

By same.

S. B. 166. An act to amend section 3637, Carroll's 1903 Kentucky Statutes, and thereby increase the powers of the council of cities of the fifth class.

Said bills were severally read the first time at length, and ordered to be placed on the calendar.

And then the House adjourned until 3 o'clock this afternoon.

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## AFTERNOON SESSION.

At 3 o'clock p. m. the House met pursuant to adjournment.

According to order the House was resolved into the committee of the Whole House for the purpose of further considering a bill entitled,

H. B. 1. An act relating to revenue and taxation.

Mr. Johnson in the chair.

After a time the Speaker resumed the chair and called the House to order.

Mr. Johnson, of the Committee of the Whole House, reported that they had completed the consideration of said bill. That they had agreed to the substitute heretofore proposed therefor by the committee on Revenue and Taxation, with sundry amendments thereto, and reported the same back with the expression that said bill ought to pass when amended by the said substitute, as amended by the Committee of the Whole House.

Mr. Redwine moved that said bill and substitute be made the special order of the day for to-morrow, Thursday, March 1st, 1906, at 10:15 o'clock a. m.

Said motion was agreed to and then the House adjourned.

THURSDAY, MARCH 1, 1906.

The House opened with prayer by the Rev. T. F. Taliaferro, of the Methodist Church South.

The reading the the Journal of yesterday's proceedings was dispensed with and the same was approved.

A message was received from the Senate announcing that they had passed bills which originated in the House of the following titles, viz.:

H. B. 77. An act amending section 1055 of the Kentucky Statutes, of the edition compiled by Hon. John D. Carroll and issued in 1903.

H. B. 44. An act to amend section 31, of article 4, of an act entitled, "An act for the government of cities of the second class in the Commonwealth of Kentucky, approved 19th, 1894, said section being section 3105 of the Kentucky Statutes 1903.

H. B. 48. An act to amend an act entitled, "An act for the government of cities of the second class in the Commonwealth of Kentucky.

With amendments to the last two named bills.

That they had passed bills of the following titles, viz.:

(1) S. B. 40. An act to amend sub section 27, of section 1, article 4, of an act entitled, "An act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19th, 1904, being subsection 27, of section 3058, of the Kentucky Statutes.

(2) S. B. 158. An act authorizing the formation in counties of less than one hundred thousand, and more than forty thousand inhabitants, of corporations authorized to do a trust, banking and title insurance business.

(3) S. B. 268. An act to divide the State of Kentucky into one hundred Representatives districts.

(4) S. B. 165. An act to amend sections 2241, 2242 and 2243, and repealing and providing a substitute for section 2247 of the Kentucky Statutes, compiled and edited by John D. Carroll and issued in the year 1903, said section being a part of article 1, chapter 74, of the Kentucky Statutes and entitled "Juries."

Said bills were ordered to be printed and were by the Speaker referred:

One and two to the Committee on Municipalities; three to Committee on Redistricting; four to the Committee on Circuit Courts.

The enrolling clerk delivered to the chief clerk of this House original and enrolled bills and a joint resolution of the following titles, viz.:

H. B. 20. An act to promote the sheep industry and provide a a tax on dogs.

H. B. 93. An act concerning circuit courts having continuous sessions and two judges.

H. B. 94. An act to authorize and to add one additional judge for the Sixteenth Circuit Court District, and providing for the appointment and election thereof.

H. B. 145. An act providing the manner of adding one additional judge to circuit courts of continuous session in counties constituting separate judicial districts having one judge, and establishing the divisions thereof.

H. R. 15. Resolution setting apart Thursday, the 22d of February, to celebrate the anniversary of the birth of Washington.

Ordered that said chief clerk deliver said enrolled bills to the Governor.

After a time, said chief clerk reported that he had discharged that duty.

The chief clerk laid before the House communications sent by mail and telegraph to him as clerk from the persons and places named below, protesting against the passage of the bill passed by the Senate, viz.: S. B. 106. An act to repeal and re-enact section 2554, Kentucky Statutes, as adopted, being a portion of chapter 81, article 1, and being a portion of the act of March 10, 1894, and which is now pending in the House, now in the hands of the Committee on Public Morals, viz.:

From Baptist church at Paris, Ky.
From all the churches at Midway, Ky.
From Baptist church at Bowling Green, Ky.
From Second Baptist church at Bowling Green, Ky.
From Clifton Baptist church at Louisville, Ky.
From Broadway Christian church, Lexington, Ky.
From Tenth-street Christian church at Bowling Green, Ky.
From the Third English Lutheran church, Louisville, Ky.
From Methodist Episcopal church, Maysville, Ky.
From Baptist church at Pembroke, Ky.
From Russellville Baptist Sunday-school, Russellville, Ky.
From Christian church at Augusta, Ky.
From Upper street Baptist church, Lexington, Ky.
From Presbyterian church at Augusta, Ky.
From all the churches at Carlisle, Ky.
From Methodist church at Paris, Ky.
From Methodist and Christian churches at Lagrange, Ky.
From churches at Russellville, Ky.
From large representative churches at Williamstown, Ky.

From members of Methodist and Baptist churches at Cloverport, Ky.

From Baptist Ministers' Conference at Louisville, Ky.

From the Twenty-sixth and Market-street Baptist church at Louisville, Ky.

From Baptist church at Maysville, Ky.

From Carlisle Baptist church at Carlisle, Ky.

From the Chestnut-street Methodist church, Louisville, Ky.

From the Chestnut-street Baptist church at Louisville, Ky.

From Twenty-second and Walnut-street Baptist church at Louisville, Ky.

From members of the Highland churches at Louisville, Ky.

From the Walnut-street Baptist church at Louisville, Ky.

From Rev. Wm. Irvine, pastor of First Presbyterian church at Bowling Green, Ky.

From the Methodist Preachers' Meeting at Louisville, Ky.

From the Church Conference of West Broadway Methodist church at Louisville, Ky.

From Lander Memorial Methodist Sunday-school at Louisville, Ky.

From Virginia-avenue Methodist church at Louisville, Ky.

From the Parkland Baptist chuch at Louisville, Ky.

From the Baptist church at Highland Park, Ky.

From Grace English Lutheran church at Louisville, Ky.

From the citizens of Beechmont, Ky.

From the First Christian church at Winchester, Ky.

From McFerran Memorial Baptist church at Louisville, Ky.

From Baptist church at Eminence, Ky.

From Christian church at Eminence, Ky.

From the Methodist church at Eminence, Ky.

From Trinity Methodist Episcopal church at Louisville, Ky.

From citizens of Mt. Sterling, Ky.

Which were ordered to be referred to the Committee on Public Morals.

The House took up for consideration, from the special order of the day, to-wit, a bill entitled,

H. B. 1. An act relating to revenue and taxation.

Together with a substitute proposed therefor, as having been perfected by the Committee of the Whole.

Said substitute reads as follows, viz.:

## ARTICLE I.

### GENERAL PROVISIONS.

§ 1. An annual tax of 50 cents upon each one hundred dollars of value of all property directed to be assessed for taxation, as hereinafter provided shall be paid by the owner, person or corporation assessed. The aggregate amount of tax realized by all assessments shall be for the following purposes: 21½ cents for the ordinary expenses of the Government, 26 cents for the support of the common schools, 2 cents for the use of the Sinking Funds, ½ of one cent for the Agricultural and Mechanical College, as now provided by law by an act, entitled "An act for the benefit of the Agricultural and Mechanical College, approved April 29, 1880, including the necessary traveling expenses of all pupils of the State entitled to free tuition in such college and

who continue students for a period of ten months, unless unavoidably prevented."

§ 2. All real and personal estate within this State, and all personal estate of persons residing in this State, and of all corporations organized under the laws of this State, whether the same be in or out of the State, including intangible property, which shall be considered and estimated in fixing the value of corporate franchises as hereinafter provided, shall be subject to taxation unless the same be exempt from taxation by the Constitution and shall be assessed at its fair cash value, estimated at the price it would bring at a fair voluntary sale: Provided, however, That tangible personal property located and having a taxable situs without the State of persons residing in this State, and of all corporations organized under the laws of this State, shall not be subject to taxation.

§ 3. The Commonwealth, and each county, incorporated city, town or taxing district, shall have a lien on the property assessed for the taxes due them respectively (for five years) which shall not be defeated by gift, devise, sale, alienation, or any means whatever, unless the gift, devise, sale or alienation shall have been made for more than five years before the institution of proceedings to enforce the lien, and nothing shall be exempt from levy and sale for taxes and cost incident to the sale. When any lands or improvements shall not be assessed in any one year, it may be assessed retrospectively in the manner provided for by law, for that year, at any time not later than five years thereafter; but the lien thereby accruing shall not prejudice the rights of purchasers acquired in the meantime.

§ 4. For the purpose of taxation, real estate shall include all lands within this State and improvements thereon; and personal estate shall include every other

species and character of property—that which is tangible as well as that which is intangible.

§ 5. The holder of the legal title, and the holder of the equitable title, and the claimant or bailee in possession of the property, on the first day of September of the year the assessment is made, shall be liable for taxes thereon; but, as between themselves, it shall be the duty of the holder of the equitable title to list the property and pay the taxes thereon, whether the property be in possession or not at the time of the payment. Provided, that if the property be sold before February 1st of the year in which the taxes are due and payable, then as between the purchaser and seller, and in the absence of any contract to the contrary, it shall be the duty of the purchaser of the property to pay the taxes thereon, and if the property is sold after February 1st in the year in which the taxes are due and payable, it shall be the duty of the seller to pay the taxes thereon.

§ 6. All estate, real and personal, and all interest in such estate, named and specified in the tax book, shall be assessed for taxation, and the tax paid by the owner thereof to the persons authorized by law to receive the same, unless otherwise specially provided.

§ 7. Lands shall be valued for taxation without reference to conflicting title, and shall be listed in the county in which it is located. Tangible personal property shall be listed and taxes paid thereon in the county, municipality and taxing district where the same has established a taxable situs based on the actual situation of the property.

§ 8. The following property is exempt from taxation: Public property used for public purposes; places actually used for religious worship, with the grounds attached thereto, and used and appurtenant to the house of worship, not exceeding one-half acre in the cities or towns,

and not exceeding two acres in the country; places of burial not held for private or corporate profit; institution of purely public charity and institutions of education not used or employed for gain by any person or corporation, and the income of which is devoted solely to the cause of education; public libraries, their endowments, and the income of such property as is used exclusively for their maintenance; all parsonages or residences owned by any religious society, and occupied as a home, and for no other purpose, by the minister of any religion with not exceeding one-half acre of ground in towns and cities, and two acres of ground in the country, appurtenant thereto; household goods and other personal property of a person with a family not exceeding two hundred and fifty dollars in value; crops grown in the year in which the assessment is made and in the hands of the producer.

§ 9. The bonds of all officers mentioned in this chapter shall bind them and their sureties for the faithful performance of their duties (and for all moneys which shall come to their hands by virtue or color of their offices), and the strict accounting of all moneys due by them to the State (or other taxing districts) and for the correctness of all amounts claimed and collected by them as commissions or compensations for their services.

§ 10. Whenever any penalty is provided for in this chapter, it may, unless otherwise especially stated, be enforced either by indictment in the circuit court of the county, or by action in any court having competent jurisdiction.

§ 11. When no other penalty is mentioned for a failure to do an act or the doing of an act forbidden (or required) by this chapter, the penalty in all such cases shall not be less than ten nor more than five hundred dollars.

§ 12. In all suits and controversies involving the titles of lands claimed or held under the deed executed by the sheriff in pursuance of the sale for taxes, the deed shall be prima facie evidence of the regularity of the sale and of all prior proceedings and title in the person to whom the deed has been executed.

§ 13. If the purchaser of land sold for taxes shall die before a deed thereto shall be executed, the deed may be executed by the sheriff to and in the name of the deceased person, and such deed shall vest the title in the heirs at law or devisees of such deceased person, in the same manner as though made to the decedent before his death, and be liable to claims of creditors and other persons as if the deed had been executed to the deceased person while living.

§ 14. Any person having a lien on property upon which the owner has failed to pay the taxes, and has become delinquent, such lien holder may pay the taxes, interest and penalties thereon and shall be subrogated to the lien of the Commonwealth, county or district therefor, and the sum so paid shall bear legal interest from the date of payment, and shall be collectible in the same manner as the original claim of the lien holder.

§ 15. Whenever the occupant or tenant of any land, or bailee or person in possession of any personal property, shall pay the tax thereon which the owner ought to pay, the person paying the tax shall be entitled to recover of the owner the amount of the tax so paid, and interest, which shall constitute a lien on the property upon which such tax was paid.

§ 16. When two or more persons own land which has been assessed as one tract, any one or more of them, after partition of the same, and upon ten days' notice to the other owners, may make application to the county court of said county for an apportionment of the assess-

ment; and the said court is hereby authorized to apportion the assessment among the owners according to the value of their respective interests, as shown by the proof introduced by them. If the delinquent taxes are due on said land, any one or more of said owners may have his portion released therefrom by paying to the officers to whom such delinquent taxes are payable his pro rata share thereof, as ascertained by the judgment of apportionment, and said judgment shall be final, unless an appeal therefrom to the circuit court, which is hereby given appellate jurisdiction, be prosecuted within sixty days from the rendition of the same.

§ 17. When land owned by two or more persons shall be assessed conjointly, and any one or more of them shall not pay their portion of the tax, any such owner paying the whole tax, or who shall redeem the whole tract after it has been sold for delinquent taxes, shall have a lien on the delinquent's portion for the tax justly owing by such delinquent, and may sue for and recover the same.

§ 18. Whenever any person shall purchase property sold for delinquent taxes, and the sale shall be set aside because of any irregularity, the purchaser shall have a lien on the property for the amount of taxes and cost paid by him, and for which the property is liable, with legal interest from the time of such payment, which may be recovered from the owner of the property or person owning the same.

§ 19. No officer named in this chapter shall retain any part of the compensation allowed his deputy or deputies longer than thirty days. Any officer violating the provisions of this section shall be deemed guilty of a misdemeanor, and, on conviction, be fined not less than five hundred dollars for each offense.

§ 20. That it shall be the duty of all persons owning any real or personal property, mineral rights or standing (branded) trees of any kind whatever on the lands of another, or any coal, oil or gas privileges, by lease or otherwise, or any interest therein, in this State other than in the county in which the said owners reside, or if they should reside out of the State, to list the property for taxation personally, or by an authorized agent, in the county where situated, at the same time and in the same manner as is now required by law of resident owners; or to file a descriptive list of the same between the first day of August and the first day of September in each year, with the county court clerk of the county where said property is located, fixing a fair cash value of the same, and giving the nearest resident thereto, and the number of the magisterial district in which the same is located. Whoever shall willfully fail or refuse to comply with the provisions of this act shall be fined not exceeding fifty dollars, to be recovered by an indictment in the county in which the same is situated: Provided, That no fine shall be imposed if the property be assessed before the commencement of the prosecution.

§ 21. It shall be the duty of the sheriff or tax collector, if any of the property herein referred to shall be sold by him for such taxes, to be governed in the advertisement and sale of the same, under the laws now in force in this Commonwealth regulating sales under execution; and if said sheriff or tax collector shall, at the time of such sale, have both State and county taxes against said property, and fails to get a bidder to cover said taxes and costs, he shall strike the same off one-half to the State and the other half to the county, in payment of said taxes, and certify the same to the clerk of the county court of said county, and also to the Aud-

itor of this State; and if said sheriff or tax collector shall fail therein, he shall be fined twenty dollars.

§ 22. That any lands or other property sold for taxes under the provisions of this act may be redeemed by the owner thereof, as is now provided by law for the redemption of such property when sold for taxes.

§ 23. This act shall be construed to mean that all tracts or parts of lands shall be listed in the counties in which they may be situated.

## ARTICLE II.

§ 1. Any person elected or appointed assessor of taxes at his request, who shall willfully fail to accept the office and discharge the duties thereof, shall be fined five hundred dollars. The assessor may appoint, with the approval of the county court, as many sober, discreet, capable persons, not under the age of twenty-four years, as deputies, to assist him in the discharge of his duties, as he may deem necessary, and may remove them at his pleasure. The assessor and his deputies shall read and administer the oath required to be taken by persons whose property is required to be listed for taxation.

§ 2. The assessor and his deputies, before they enter upon the duties of the office, shall, in addition to the oath prescribed by the Constitution, take the following oath: "I do swear that I will administer to every person listing property of any description the oath prescribed by law, and fix the value of all property to be listed by me at its fair cash value, estimated at the price it would bring at a fair voluntary sale, without favor or partiality; and I will diligently search and inquire so that no person shall be passed over, or shall fail to have an opportunity to give a list of his taxable property, and that I

will truly report all persons who shall fail or refuse to list their taxable property, after being duly called on by me for that purpose, or who have given in a false or fraudulent list, so help me, God."

§ 3. The assessor shall at the same time execute bond to the Commonwealth, with good surety, to be approved by the county court, for the faithful discharge of the duties of his office, which bond shall be filed in the office of, and kept safely by, the clerk of the county court, and on which the assessor and his sureties shall be liable for any violation of the duties of his office, by himself or any of his deputies. Action may be instituted on it by the Commonwealth or any person aggrieved, and recovery had thereon, from time to time, to the extent of the injury sustained.

§ 4. The assessor shall commence the duties of his office on the first day of August in each year, and he shall assess his county by justice's districts, in separate books, and he shall also make a separate book or books for each incorporated city, town or taxing district (except school districts) of his county, by wards or other subdivisions, as convenience may require.

§ 5. The assessor or his deputies shall read and administer to every person listing property the following cath: "You swear that the list of taxable property about to be given by you will contain a full and complete list, and the best description you can give, of all and every species of property belonging to you or in your possession, subject to taxation on the first day of August last, including all money, notes, bonds or other evidence of debts except bonds not taxable, and stock in corporations whose property and franchise has been listed by the corporation, and that, according to your best judgment, you will value your property at its fair cash value, estimated at the price it would bring at a

fair voluntary sale; and that you will true and perfect answers make to all questions that may be asked you concerning your taxable property, or that of others in your possession, or about to be listed by you for them." If, in the opinion of the assessor or deputy, there be any error in any list, it shall be his duty to note same on his tax books so as to call the attention of the Board of Supervisors thereto.

§ 6. The assessor shall call upon the county clerk from time to time for description lists of lands owned by non-residents, and make use of the information contained in them in making out his list and books of taxable property.

§ 7. Real estate, or any interest therein, shall be listed in the county or district where situated against the owner of the first freehold estate therein. If the owner fails to list the same, the assessor shall, nevertheless, list all lands in his county; and to enable him to ascertain the person in whose name to make the list, he is empowered to swear witnesses, and their statements must be put in writing and returned with the tax book, and a note or reference made to the proof in the listing of the land.

§ 8. Personal property of every kind shall be separately stated and valued in the appropriate column of the tax book herein provided, and if there be no appropriate column, it shall be valued and stated in the column headed "miscellany."

§ 9. If any person shall willfully make a false statement, or, for the purpose of avoiding taxation, make a temporary investment in securities exempt by law from taxation, or convert any intangible property into non-taxable property outside of this State, or resort to any device whatever for the purpose of avoiding taxation, he shall be deemed guilty of a misdemeanor, and, on

conviction, fined any sum not exceeding five hundred dollars, and be subject to three times the amount of tax upon his estate, to be recovered by the sheriff by action in the name of the Commonwealth in the county in which the estate is liable for taxation, or by the Auditor, when the taxes are payable to him, in the Franklin circuit or quarterly court.

§ 10. The county clerk shall, on or before the first day of August of each year, make and certify to the assessor a complete statement of all purchase money notes, mortgage notes, and other liens for money due or to be paid, as shown by the conveyances, mortgages and liens in his office, and said statements shall show the names and places of residence of the parties, the date of execution and the recording or filing for record, and the consideration of each of such conveyances, mortgages and liens. The statement shall distinctly and separately recite the date of execution, the date of maturity and the amount of each note and other lien. If the clerk knows or reasonably believes that the payee or beneficial holder of any of said notes or liens resides in another county of this Commonwealth at the time said statement is to be made, he shall on or before the first day of August of each year and by mail certify to the assessor of said other county, and in the manner and form as already prescribed in this section, the statement of said note or lien. Each statement the county clerk shall cover a period of one year next prior to the date said statement is required to be made. Said statement shall be sworn to by the clerk before some person authorized to take oaths, as a full and complete statement of said facts. For his services in making said statement the clerk shall be paid a reasonable compensation by the county court of his respective county; and said statement shall be returned by the assessor with his tax book, schedule

and list of conveyances to the county clerk for the use of the Board of Supervisors. Any county clerk failing to perform his duties under this section shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, to be recovered by warrant or indictment.

§ 11. The assessor upon receiving from the county clerk the statement of all purchase money notes, mortgages, notes and other liens, as provided in section 10 of this article, shall fix the value upon each and all of said notes and liens, estimated at the price each would bring at a fair voluntary sale, and enter the same in his tax book against the owner or beneficial holder thereof as it is provided in section 6 of article 1 that the property assessed shall be entered; and he shall return said statement to the county clerk for the use of the Board of Supervisors.

§ 12. All taxable estate shall be assessed and valued as of the first day of August in the year listed, and the person owning or possessing the same on that day shall list it with the assessor, and remain bound for the tax, notwithstanding he may have sold or parted with the same.

§ 13. The assessor, from his own knowledge, and from the statement of the person listing the property for taxation, and such other evidence as he may be able to obtain upon oath of witnesses sworn by him, shall fix the value upon all the estate listed with him for taxation at its fair cash value, estimated at the price it would bring at a fair voluntary sale, and enter the same in his tax book, in the proper name and title of things, together with the Christian and surname of the person, and other information designated in the form of the tax book prescribed by law, giving also the aggregate value of the property assessed, and, in estimating the value of

lands, the increased value, on account of all improvements thereon, shall be taken into consideration. If the value fixed by the assessor be greater than that fixed by the taxpayer, it shall be the duty of the assessor to notify the taxpayer at the time of the assessment the amount of such increase and of the time and place of the meeting of the Board of Supervisors. The assessor shall report to the Board of Supervisors a list of all taxpayers in the county whose tax lists have been added to or increased by him after receiving them from the hands of the taxpayer, together with a short statement.

§ 14. The assessor shall make out his tax book in a fair, legible handwriting, in alphabetical order, according to justices' districts and incorporated cities, towns and taxing districts therein, and make additions of each column, so as to show the aggregate amount, value and number of each column in said tax book, and prove the accuracy before he returns the same.

§ 15. The assessor shall make and return with his tax book the number of qualified voters resident in his county, and when a city or town within his county shall have a separate representative in either House of the General Assembly, he shall make a separate report of the qualified voters in such city or town.

§ 16. Persons listing their estates with the assessor shall state separately the tracts of land, the number of acres in each tract, the price per acre, and the improvements thereon, the name of the nearest resident thereto, and where situated, giving election precinct in which it is situated; the number of each town lot and the improvements thereon, in what city or town, on which street, and the value of each, and the value of the improvements thereon, to the extent that same enhances the value of each lot, and whether there is any land adjoining his owned by any non-resident of the county

or State, and give the name and place of residence of such owner, if known; the number of registered stallions, geldings, mares and colts, and their value; the number of stallions, mares, geldings and colts of common or mixed stock, and their value, and the number of mules, registered jacks, jennets and mule colts, and their value; the number of registered bulls, steers, cows and calves, and their value; the number of bulls, steers, cows and calves of common or mixed stock, and their value; also all other estate, including the number, denomination and fair cash value of all bonds subject to taxation owned by them, with the value thereof on the first day of August of the year for which the list is given, and such other facts as may be required in the blanks as hereinafter provided. But no error or informality in the description or location of the property, or in the name of the owner or party assessed, shall invalidate the assessment if the property can with reasonable certainty be located from the description given; and in case of such error and informality, the collector may receive the taxes and by his receipt correct such error or informality.

§ 17. Every person or company engaged in the business of receiving property in pledge or security for money or other things advanced to pawners or pledgers shall return, under oath, the fair cash value of all property so pledged and held on first day of August annually, and taxes shall be charged on the value of such property to the person holding the same as other property owned by him; and such person shall have a lien on the property to secure the amount of tax paid.

§ 18. Before the first day of August of each year, the Auditor of Public Accounts shall deliver to each county clerk of this State, for the use of the assessor and their deputies, a sufficient number of assessment books and necessary blank schedules for the assessment

of all property, real and personal, with interrogatories to be propounded to each person, with affidavit thereto attached, to be signed and sworn to by the party whose property is assessed. The schedule shall contain two columns. In one the person whose property is assessed shall fix the values. In the other, the assessor shall fix what, in his judgment, is the proper valuation of the property. The party or the assessor where the party can not write shall write the word "none" after each item when he has no property to assess as named in each item; but no item shall be passed without being answered. The following shall be the form of interrogatories and schedules as hereinafter required:

Interrogatories propounded to and answered by ——— of ——— county, ——— State of Kentucky, on the ——— day of ———, and schedule of all property held or owned by him on the first day of August, 190—, and the valuation thereof as fixed by him and as fixed by the assessor.

INTERROGATORIES.

No. 1. Are you, or were you, on the first day of August of the present year, executor of the will or administrator or curator of the estate of any deceased person, or guardian, committee or assignee, commissioner, receiver or trustee of any person, or have you in your possession or under your control any property, money or other thing of value belonging to any other person or corporation? Answer ———. If the answer is "Yes," the person is required to list such property separate from his own, and in the name of the real owner, and show by whom listed.

No. 2. Have you, before the first day of August of the present year, either personally or through the

agency of another, caused any part of your taxable money or other property to be temporarily converted, either by sale, exchange, or any other manner, into any bonds, money or securities not taxable, and any other property not taxable under the laws of this State for the purpose of evading the payment of taxes, or have you resorted to any means or device whatever to evade the payment of taxes on any part of the property owned by you during the twelve months next preceding the first day of August of the present year? Answer ———. If the answer is "Yes," the person shall state all the facts connected with such transaction, and the assessor shall reduce such statement to writing and attach it to the schedule and make a note of the facts in his books, that the attention of the supervisors may be called thereto.

SCHEDULE.

| No. of Item. | Description of Property. | Value fixed by the person assessed. | Value fixed by the Assessor. |
|---|---|---|---|
| 1. | Amount of bonds, number and denomination of bonds and value thereof ..... | $ | $ |
| 2. | Amount of notes secured by mortgage ..... | $ | $ |
| 3. | Amount of other notes..... | $ | $ |
| 4. | Amount of accounts..... | $ | $ |
| 5. | Amount of cash on hand..... | $ | $ |
| 6. | Amount of cash on deposit in bank, and against which checks in payment of prior bona fide indebtedness have not been drawn..... | $ | $ |
| 7. | Amount of cash on deposit with other corporations..... | $ | $ |
| 8. | Amount of cash on deposit with individuals ..... | $ | $ |

SCHEDULE—Continued.

| No. of Item. | Description of Property. | Value fixed by the person assessed. | Value fixed by the Assessor. |
|---|---|---|---|
| 9. | Amount of all other credits or money at interest.....$ | | $ |
| 10. | Amount of stock in corporations, joint stock companies or associations of this State not paid on by the company or association.....$ | | $ |
| 11. | Amount of stock in foreign corporations .....$ | | $ |
| 12. | Number of acres of land and price per acre.....$ | | $ |
| 13. | Nearest residence thereto..... | | |
| 14. | Election precinct in which situated ..... | | |
| 15. | Valuation of each tract with improvements .....$ | | $ |
| 16. | Number of city or town lots..... | | |
| 17. | Name of town or city where located ..... | | |
| 18. | Value of each with improvements.$ | | $ |
| 19. | Number of thoroughbred, saddle and standard stallions..... | | |
| 20. | Value .....$ | | $ |
| 21. | Number of thoroughbred, saddle and standard geldings..... | | |
| 22. | Value .....$ | | $ |
| 23. | Number of thoroughbred, saddle and standard mares and colts.... | | |
| 24. | Value .....$ | | $ |
| 25. | Number of stallions of common stock ..... | | |
| 26. | Value .....$ | | $ |

SCHEDULE—Continued.

| No. of Item. | Description of Property. | Value fixed by the person assessed. | Value fixed by the Assessor. |
|---|---|---|---|
| 27. | Number of geldings, mares and colts of common stock..... | | |
| 28. | Value .....$ | | $ |
| 29. | Number of mules and mule colts.. | | |
| 30. | Value .....$ | | $ |
| 31. | Number of jacks..... | | |
| 32. | Value .....$ | | $ |
| 33. | Number of jennets..... | | |
| 34. | Value .....$ | | $ |
| 35. | Number of registered bulls..... | | |
| 36. | Value .....$ | | $ |
| 37. | Number of registered cows and calves ..... | | |
| 38. | Value .....$ | | $ |
| 39. | Number of bulls, cows, calves and steers of common stock..... | | |
| 40. | Value .....$ | | $ |
| 41. | Number of sheep..... | | |
| 42. | Value .....$ | | $ |
| 43. | Number of hogs..... | | |
| 44. | Value .....$ | | $ |
| 45. | Value of agricultural implements.$ | | $ |
| 46. | Value of agricultural products...$ | | $ |
| 47. | Less value of the crops grown in the year assessment was made and in the hands of the producer....$ | | $ |
| 48. | Value of agricultural products for taxation .....$ | | $ |
| 49. | Value of wagons, carriages, bicycles and vehicles of every kind.$ | | $ |
| 50. | Value of slaughtered animals....$ | | $ |

SCHEDULE—Continued.

| No. of Item. | Description of Property. | Value fixed by the person assessed. | Value fixed by the Assessor. |
|---|---|---|---|
| 51. | Value of sewing and knitting machines | $ | $ |
| 52. | Value of safes | $ | $ |
| 53. | Value of household and kitchen furniture | $ | $ |
| 54. | Value of manufacturing implements, machinery of all kinds | $ | $ |
| 55. | Value of pianoforte and other musical instruments | $ | $ |
| 56. | Value of raw materials to be used in manufacturing | $ | $ |
| 57. | Value of manufactured articles | $ | $ |
| 58. | Number of paintings, and value thereof | $ | $ |
| 59. | Library—number of volumes—value thereof | $ | $ |
| 60. | Number of diamonds, value thereof | $ | $ |
| 61. | Value of watches and clocks | $ | $ |
| 62. | Value of jewelry | $ | $ |
| 63. | Value of gold, silver and plated ware | $ | $ |
| 64. | Value of steam engines, including boilers | $ | $ |
| 65. | Number of steamboats, sail boats or other water crafts or any interest therein—value | $ | $ |
| 66. | Value of mineral products | $ | $ |
| 67. | Value of coal mines, oil, gas and salt wells | $ | $ |
| 68. | Value of patent rights | $ | $ |

SCHEDULE—Continued.

| No. of Item. | Description of Property. | Value fixed by the person assessed. | Value fixed by the Assessor. |
|---|---|---|---|
| 69. | Present value of annuities and royalties ..... | $ | $ |
| 70. | Value of brick, stone and other building materials..... | $ | $ |
| 71. | Value of wines, whiskies, brandies and mixtures thereof not in distillery bonded warehouses..... | $ | $ |
| 72. | Number of stores—value of stock of goods and other property therein ..... | $ | $ |
| 73. | Value of property held for another for the purpose of sale on commission or otherwise..... | $ | $ |
| | MISCELLANY. | | |
| 74. | Value of all property not mentioned above..... | $ | $ |
| 75. | Total value of property listed as above ..... | $ | $ |
| 76. | Less household goods and other personal property of persons with a family, to be deducted from valuation of personal property listed above, not to exceed two hundred and fifty dollars in value..... | $ | $ |
| | | $ | $ |
| | | $ | $ |
| 77. | Balance of taxation..... | $ | $ |
| 78. | Males over twenty-one years of age. | | |
| 79. | Legal voters. | | |
| 80. | Enrolled militia. | | |
| 81. | Children between six and twenty years. | | |

SCHEDULE—Continued.

82. Number of studs, jacks and bulls for which a service fee was charged.
83. Rate per season.
84. The following questions are required to be answered for statistical purposes:
85. Pounds of tobacco raised during the year.
86. Pounds of hemp raised during the year.
87. Tons of hay raised during the year.
88. Bushels of corn raised during the year.
89. Bushels of wheat raised during the year.
90. Bushels of oats raised during the year.
91. Bushels of barley raised during the year.
92. Bushels of grass seed and clover seed raised during the year.
93. Tons of coal mined during the year.
94. Tons of pig metal mined during the year.
95. Tons of bloom.
96. Tons of bar iron.
97. Number of acres of wheat raised during the year.
98. Number of acres of corn raised during the year.
99. Number of acres of meadow.
100. Number of acres of woodland.
101. Number of acres of tobacco.
102. Number of dogs over four months of age and description of same.

The following shall be the form of oath which shall be printed on each schedule, which the party whose list is taken shall subscribe and swear to before the assessor or his deputy as soon as such schedule shall be completed; and all persons failing or refusing to take such oath shall be deemed guilty of refusing to give in their property for assessment, and shall be fined as provided for such offenses.

State of Kentucky,

———— County,

Scilicet.

I do solemnly swear (or affirm) that the foregoing schedule contains a true, full and complete list of all taxable property belonging to me on the first day of August, 19—, and, to the best of my knowledge, belief and judgment, the values fixed by me to the various articles as above, is the fair cash value thereof, estimated at the price it would bring at a fair voluntary sale, and that to the best of my knowledge, belief and judgment, none of said articles would bring any greater sum at any such rate, than as stated above, asd that I can not realize any greater sum on the notes and accounts owned and held by me against others than as stated by me in said schedule, and that the answers made by me to the above interrogatories are true.

————————

Subscribed and sworn to before me by ———— ——— this ——— day of ————, after said oath was read to him by me.

————————, Assessor.

It shall be the duty of every assessor or deputy to read said oath in full to each taxpayer and to see that no item has been passed unanswered before he shall be allowed to sign or swear to it. Any assessor or deputy who shall violate either of these provisions shall be deemed guilty of a misdemeanor and, on conviction, be fined fifty dollars for each offense; and any person who shall make a false statement as to any matter with reference to the listing of his property for taxation shall be deemed guilty of false swearing and, on conviction, shall be punished accordingly.

§ 19. The assessor shall complete his work and return the tax books and schedules to the county clerk

on or before the first day of January, and the clerk shall file and preserve the same. The schedules may be destroyed after three years.

§ 20. If, for any cause, the tax books are not returned by the assessor, the county clerk shall copy and deliver to the sheriff the tax books of the previous year, by the fifteenth day of February, and take his receipt therefor, and notify the Auditor. By this tax book the Auditor and sheriff shall be governed in the collection and payment of the tax into the treasury for that year, and the sheriff shall be governed by the same book in collecting the county levy for that year.

§ 21. The assessor shall report to the county clerk the names of all persons refusing to give a full and complete list of their property, or refusing to make oath of the same, and the clerk shall notify the supervisors; and if the supervisors fail to get a full and complete list of the property of such person, and so notify the clerk, then the county court, after giving five days' notice to such person, shall proceed to determine and ascertain the property and its value, and shall impose on such person a fine not exceeding one hundred dollars.

§ 22. The county clerk shall issue summons in the name of the Commonwealth of Kentucky, in which shall be stated the offense in general terms against each of the delinquents, returnable to the next term of the county court, which shall hear and determine the cause, upon giving the defendant the right to have a jury to try the facts, if demanded before the trial is begun, which jury shall be composed of housekeepers and summoned by the sheriff. If the defendant be found guilty, the court shall enter judgment for the fine and costs. The court shall assess the taxable property upon the statement of the defendant, made upon oath, or upon such other evidence as he may be able to obtain, and execution shall be is-

sued for the fine and costs. The amount of the assessment shall be certified by the clerk to the sheriff and Auditor of Public Accounts, and the tax collected and accounted for as other taxes.

§ 23. The county court, before judgment is rendered against one reported in default, as above indicated, may, if it be satisfied that the defendant was not willfully in default, direct the clerk to take the list of taxable property of such delinquent in the manner prescribed by law. The list aforesaid shall be forthwith certified to the sheriff and Auditor, to be charged to the sheriff, and accounted for by him as other revenue. In such cases the county court may excuse the delinquent from the payment of the fine upon the payment of the costs of the prosecution.

§ 24. Any person who has failed to give in his list of taxable property, in whole or in part, because he was not called upon by the assessor, may, at any time, and it is hereby made his duty, after the assessor has returned his books, to list the same with the county clerk, who, in taking the same, shall be governed by the laws regulating the duty of the assessor.

§ 25. The assessor or his deputy, before he returns any one in default, shall apply at his residence, if a corporation at the place of business, for list of his taxable property, and in case of his absence, leave a written notice with some person of the household over sixteen years of age, or put on the front door of the residence or place of business, of the time and place such person shall meet the assessor in his county, and give in his list of taxable property; and if he fails to attend and give in such list, then the assessor shall report the person to the county clerk, and the clerk shall report such person to the supervisors, who shall assess and value his property.

§ 26. If the assessor reports any one in default under the foregoing section, without having performed the duties required of him in said section, he shall be fined ten dollars.

§ 27. No sheriff shall receive or receipt for any taxes until a copy of the assessor's books, as approved by the Board of Supervisors, has been delivered to him by the county clerk, or the list filed in the county clerk's office has been certified to him by the said clerk. For a violation of this section the sheriff shall be fined one hundred dollars for each offense.

§ 28. The county attorney shall prosecute under the preceding sections, and he shall receive for his services twenty-five per cent. of the fine recovered.

§ 29. The assessor and his deputies shall give in the list of their taxable property to the Board of Supervisors, and in taxing said list the board shall be governed in all respects by the laws applicable to the assessor in listing property. On the failure of the assessor and deputies to so list their property, they shall be liable as delinquents as hereinbefore provided, and be liable to the same penalties.

§ 30. The assessor shall, after he has returned his tax book and the same has been corrected by the Board of Supervisors, present to the county court his account, verified by affidavit, stating the total assessed value of the property listed by him as shown by his tax book thus corrected; and if said court, upon investigation, finds said account to be correct, it shall certify to the Auditor the amount due to the assessor for the services required of him by law, which shall be based on the total value of the assessment made by him as above required, as follows: Four cents on the one hundred dollars of the first million, and one and one-quarter cents on each one hundred dollars of the excess over one mil-

lion, but no assessor shall be entitled to receive more than four thousand dollars for his services during any year. In counties in which the assessed value of property exceeds thirty-eight million of dollars, the assessor shall be allowed, as compensation to deputies appointed and qualified, the sum of one thousand five hundred dollars for each seven and one-half million dollars of property which may be assessed in excess of thirty-eight million dollars. In counties where the assessment does not exceed one million dollars, the assessor shall be paid four and one-half cents on the one hundred dollars of the entire property listed.

§ 31. Before the county court shall grant such certificate of allowance, the assessor and his deputies, if any, shall, in open court, make and file the following affidavit, subscribed and sworn to by them before the clerk of the county court, viz.: "I do swear that I have not received from any person a list of taxable property and returned the same until the person rendering the list has made oath to the truth and value of the same; and I do further swear that I have, in no instance, assessed any property at a greater or less sum than I deemed a fair cash value, estimated at the price it would bring at a fair voluntary sale." Any assessor or deputy who shall make affidavit, knowing the same to be false in any particular, shall be deemed guilty of false swearing and, on conviction, be punished accordingly.

§ 32. A reduction of fifty cents shall be made from the assessor's compensation for each list he shall fail to report for taxation, or report without authority of law, and one dollar each for each duplicate assessment. The Auditor of Public Accounts shall draw his warrant on the State Treasurer for eighty per cent. of such allowance, and shall draw his warrant on the Treasurer for

the remainder due the assessor, as herein provided, after the October session of the fiscal court, on or before which time the sheriff shall report, on oath, to said court a list of all persons, with their taxable property, so far as is known to him, who were omitted by the assessor; also the names of any person duplicated by the assessor. The report of the sheriff shall be certified to by the county clerk to the Auditor, that the deductions may be made from the assessor's claim as herein provided.

§ 33. That it shall hereafter be unlawful for any assessor of this State to list any land owned by nonresidents of this State that have heretofore been sold, or that may hereafter be sold, and purchased by the State for taxes due thereon, except as hereinafter provided.

§ 34. That the owners of all such land that has heretofore been sold, or may hereafter be sold, and purchased by the State for taxes due thereon, shall be required to pay, in addition to the amount said lands were sold for, all taxes accumulated thereon after the sale of the same to the date of redemption, to the officers now required by law to receive it.

§ 35. That whenever the owners of said land shall redeem same, as provided in section thirty-one of article two of this chapter, it shall be the duty of the clerk of the county court to certify said redemption to the assessor of the county, whose duty it shall be to list the same for taxation.

§ 36. That any assessor who shall list any of said land in violation of this act shall be guilty of a misdemeanor, and fined not exceeding two hundred dollars for each offense.

§ 37. The assessor shall, for any failure of his duty under this law, where no other penalty is provided, be

fined in any sum not less than twenty-five dollars nor more than fifty dollars.

ARTICLE III.

§ 1. It shall be the duty of each and every owner or claimant of land to pay all the taxes which have been assessed, and which should have been assessed, against him, and those under whom he claims, as the owner or claimant of said land as of the 15th day of September, 1901, the 15th day of September, 1902, the 15th day of September, 1903, the 1st day of September, 1904, and the 1st day of September, 1905; and if the said owner or claimant, or those under whom he claims, has failed to list said land, or any part thereof, for taxation, as of said dates, or any of them, it shall be his duty to have same assessed and listed for taxation, in the manner and within the time hereinafter provided, as of each of said dates for which the assessment has been omitted, and to pay the taxes, interest and penalties thereon as herein provided.

The fact that said land has been listed for taxation, or the taxes have been paid thereon, by another claimant, shall not relieve against the duty herein imposed.

If any such owner or claimant, or those under whom he claims, has failed to list such land for assessment and taxation, as of any three of said dates, or has failed to pay the taxes charged, or which should have been charged against him, or those under whom he claims, as the owner or claimant thereof upon said dates, for any three of the years for which said assessments were, or should have been made, said owner and claimant and those under whom he claims are hereby declared to be delinquent; and such failures, or either of them, shall be cause for the forfeiture and transfer to the Common-

wealth of his said claim and title thereto, in a proceeding to be instituted for that purpose, as hereinafter provided. But said cause for forfeiture shall be extinguished if said owner or claimant, his heirs, representatives, or assigns, shall, within the time and in the manner in this article provided, cause said land to be assessed for taxation, and, on or before March 1, 1907, pay the taxes charged, and which should have been charged against him, or against those under whom he claims, as the owner or claimant thereof, for each and all of said five years, for which he or those under whom he claims are delinquent, together with the interest and penalties provided by law in case of the redemption of land sold for the non-payment of taxes.

§ 2. The ascertainment of the amount of taxes unpaid and the assessments required by the preceding section shall be made by the county court of the county wherein the land lies, upon the application of said owner or claimant, by a petition verified by himself or his agent, filed in said court on or before January 1, 1907, in which the land sought to be charged shall be described, so as to be identified, and the years for which it was not listed and the years in which the taxes were not paid shall be stated, and in which also shall be stated the grant under which he claims, if he derives title from a grant, and the instrument through or the manner in which the title devolved upon him. Said application shall be set for hearing upon a day to be fixed by the applicant, not less than ten nor more than twenty days after the filing of the petition, of which he shall give at least ten days' written notice to the county attorney, whose duty it shall be to attend said hearing and represent the State and county; for which service he shall receive as compensation ten per centum

of the amount ultimately collected by sale or otherwise, by virtue of such delinquency.

It shall be the duty of the county court to decide upon said application in a summary manner, upon such evidence as may be offered, having due regard to the value of adjacent property as of said dates, and to ascertain the amount of unpaid taxes which the applicant and those under whom he claims should have paid for any and all of said years, whether assessments were originally made as of said dates or not. Upon finding the amount, the court shall also ascertain the proportion of such taxes due for county and State purposes at the rates fixed by law for such years; and shall cause a record of the findings to be made on the order book of the court, and certified to the Auditor of the State and county clerk. Should the court find that the land has been assessed against such owner or claimant, or those under whom he claims, as of any of said dates, it shall accept such assessment as a basis upon which to ascertain the amount of unpaid taxes for the year such assessment may have been made.

Either the petitioner or the Commonwealth, feeling aggrieved by the finding of the county court, shall have the right to take an appeal, within thirty days after the entry of the finding of the county court, to the circuit court for said county, in the manner that other appeals are taken, except that no bond shall be required of the Commonwealth.

It shall be the duty of the circuit court to hear and determine said application de novo, and to give it precedence over all other civil business in said court. The finding of the circuit court shall be conclusive and not subject to appeal. A copy of the findings shall be certified to the Auditor of the State and to the clerk of the county court.

As soon as the time for appealing from the finding of the county court has expired, if no appeal is taken, or as soon as the final order of the circuit court is entered, if an appeal is taken, the obligation of said owner or claimant to pay the taxes therein called for, with interest and penalties, as provided by law for the redemption of land sold for the non-payment of taxes, shall be complete; and the same shall be paid to the sheriff of the county within thirty days thereafter. Provided, however, that if in a proceeding hereunder begun within the time herein allowed, the amount payable by the delinquent shall not be finally determined until within less than thirty days before March 1st, 1907, or until after said date, then the right of forfeiture as set out in section 1 of this article shall not be complete in the Commonwealth, unless and until said delinquent shall have failed to pay said amount, interest and penalties, for thirty days after the entry of said order.

Upon collecting said taxes, interest and penalties, the sheriff shall, after paying the costs of the proceedings and retaining the commission allowed by law for himself, pay over and account for the remainder to the Auditor of the State and to the county, in the same manner and subject to the same responsibilities of himself and his bondsmen as in the case of other taxes collected by him. Out of the amount so paid, there shall be paid to the county attorney ten per centum thereof and an additional ten per centum to the Commonwealth's attorney, should an appeal have been prosecuted to the circuit court.

§ 3. If any such owner or claimant shall fail to have said land assessed, or fail to pay the taxes charged, or which should have been charged against him, or those under whom he claims, as the owner or claimant of any such tract of land, as provided and within the time pre-

scribed in sections 1 and 2 of this article, together with the penalties and interest as provided by law, then it shall be the duty of the Commonwealth's attorney to institute in the circuit court of the county in which said land or any part thereof lies, a proceeding in equity, in the name of the Commonwealth of Kentucky as plaintiff against said tract of land, and the owners or claimants of said land as defendants, naming them if their names are known to him, and if their names are unknown to him, designating them as the unknown owners and claimants thereof, for the purpose of declaring the title or claim of said defendants forfeited to this Commonwealth, and selling same. The suit so instituted shall be proceeded with to final judgment in all respects as other equity causes so far as applicable.

In addition to the requirements of the Civil Code of Practice respecting process and service thereof, notice shall be given of the pendency of said action by posting a copy of the petition at the front door of the court house, which shall be done by the clerk immediately after the petition is filed, and he shall show by endorsement upon the original petition the time at which said copy was so posted. The defendants shall not be required to answer until after the expiration of thirty days from the posting of said copy. And such copy, when so posted, shall be deemed notice to all defendants of the pendency of said action and its object.

The petition of the plaintiff shall allege the facts constituting the cause of forfeiture under the provisions of this article, and there shall be filed with it a copy of the grant or instrument upon which the title or claim sought to be forfeited is based; and no other title, claim or possession, or continuity thereof, whether owned or claimed by the defendant or by others, shall be forfeited or in any manner affected by said proceeding.

The prayer shall be for a judgment of forfeiture and sale of the title or claim in the petition described.

The court shall render judgment in accordance with the pleadings, exhibits and evidence adduced; and if it shall find that said title or claim sought to be forfeited is or has been subject to forfeiture under the provisions of this article, it shall render judgment declaring the same forfeited and the title thereof vested in the Commonwealth. Such judgment shall operate as a transfer to, and vesting in, the Commonwealth of the said title and claim of each and all the defendants, and those under whom they claim, without execution of deed or other instrument. If the court shall find that the same is not subject to forfeiture under the provisions of this article, then it shall so adjudge and dismiss the petition of plaintiff.

Judgments rendered by the circuit court under this article shall be conclusive as against all defendants, including infants, lunatics and married women, as to their title or claim derived through or under the grant, title or claim described in the petition; and said judgments and the proceedings upon which they are based shall not be subject to the provisions of sections 391, 410, 414 or 574 of the Civil Code of Practice. Issues as to whether or not the title and claim sought to be forfeited is or has been subject to forfeiture under the provisions of this article, shall be triable by jury; and the judgment of the court shall be in accordance with the verdict, as in ordinary actions.

Either party may prosecute an appeal from such judgment to the court of appeals within thirty days after the same may be entered; but if any such appeal be prosecuted, the transcript of the record shall be filed in the court of appeals within sixty days after the entry of said judgment; and the hearings upon appeal shall have

the same precedence as other Commonwealth cases. No bond on appeal shall be required of the Commonwealth.

§ 4. If, before or during the term of the circuit court next succeeding the term at which a judgment of forfeiture may have been entered, as authorized by section 3 of this article, any of the said defendants, in privity with the title so forfeited to, and vested in the Commonwealth, file his counter claim in said action, accompanied by a bond, with good and sufficient resident personal security, to be approved by the court, if in session, otherwise by the clerk of the court, conditioned to pay, and in all respects abide by and perform, the judgment that the court may enter upon such counter claim, and in said counter claim offer to purchase back from the Commonwealth the title and claim in said action so forfeited to, and vested in, the Commonwealth, and praying to be allowed so to do, and exhibiting title thereto in himself, it shall be the duty of the court, upon proper pleadings as in other equity cases, and upon such evidence as may be adduced in the manner authorized by law, to ascertain and adjudge the amount of unpaid taxes, charged, and that ought to have been charged, against the defendant and those under whom he claims, as the owner or claimant of said land, for the fifty years immediately preceding the filing of such counter claim, and if the court finds and adjudges that said defendant is the owner of the title so forfeited to and vested in the Commonwealth, to enter a judgment against such defendant for a sum equal to the amount of the unpaid taxes charged, and that ought to have been charged, against said defendant, and those under whom he claims as the owner or claimant of said land, for said fifty years, together with interest thereupon at the rate of 15 per cent. per annum from the time of the said unpaid taxes for said several years were due, and the costs of the pro-

ceedings, including a reasonable attorney fee for the Commonwealth's attorney, to be fixed by the court. Provided, that no person except a defendant, and no defendant, except as herein provided, shall be allowed to purchase back from the Commonwealth the title so forfeited to, and vested in it, except such defendant as may, but for such forfeiture, establish in such proceeding a title thereto in himself upon which he could maintain an action of ejectment.

If, thereupon, such defendant shall pay to the sheriff the amount of such judgment, it shall be the duty of the court to enter a judgment re-transferring to such defendant the title and claim so forfeited to, and vested in, the Commonwealth; and said judgment shall have the effect of re-transferring and vesting same in said defendant without the execution of a deed or other instrument.

Should such defendant not thereupon pay said judgment, the court shall thereupon enter an order directing the sale of the said title and claim as in section 7 of this article provided, and the amount realized upon said sale shall be used in the payment of costs and commissions hereunder; and the remainder, if any, shall be paid to the State and county as provided in this article, and the counter claim shall be dismissed. If the sale does not produce enough to pay the costs, an action may thereupon be maintained upon said bond for the costs, and reasonable attorney's fee for the Commonwealth and county attorney, to be fixed by the court.

If at any time during the pendency of said action it shall be made to appear that the bond theretofore tendered and approved by the court or the clerk is insufficient, additional security shall be required, and the failure to execute same upon being so required shall have the

same effect as if no bond had been given originally, and the counter claim shall be dismissed.

Appeal may be prosecuted to the court of appeals from the judgment of the circuit court under this section within the time and in the manner and subject to all the conditions provided for appeals in section 3 of this article, except that the judgment of the circuit court as to the amount thereof shall be final and not subject to appeal.

All amounts paid to the sheriff under this section shall be by him received and paid out to the persons entitled to the same as costs, and the remainder to the Auditor of the State and to the county in proportion to the amount due them for taxes and penalties for the said fifty years, in the same manner and subject to the same responsibilities of himself and his bondsmen as in the case of taxes collected by him. Provided, that fees required by law to be paid to the Auditor shall be paid to him by the sheriff, and by the Auditor paid to the person entitled thereto. It shall be the duty of the county attorney to assist the Commonwealth's attorney in all proceedings under this article for which he shall be allowed the per centum as herein provided. Certified copies of the judgments of the circuit courts, under sections 3 and 4 hereof, shall be recorded in the deed books of the county where the land, or any part thereof, lies, and indexed as deeds are required to be indexed.

§ 5. Any owner or claimant who instituted a proceeding allowed by section 2 of this article, and who did not, within the time herein limited, pay the amount therein ascertained as charged or chargeable against him and those under whom he claims, as the owner or claimant of said land, shall not be allowed the right to purchase back, under the proceedings authorized by section 4 of

this article, such title or claim so forfeited to, and vested in, the Commonwealth.

§ 6. All title and claim proceeded against under this article and forfeited to, and vested in, the Commonwealth and not purchased back by the owner or claimant thereof, as authorized in section 4 hereof, whether such forfeiture be for past delinquencies or for future delinquencies as authorized under section 10 hereof, shall be, and is hereby, transferred to, and vested in, any person for so much thereof as such person, or those under whom he claims, has had the actual adverse possession for five years next preceding the judgment of forfeiture, under claim, or color of title, derived from any source whatsoever, and who, or those under whom he claims, shall have paid taxes thereupon for the five years in which such possession may have been or may be held; and in those in privity with such person, his heirs, representatives or assigns, as to the mineral or other interests or rights in or appurtenant to such land.

§ 7. All title and claim to land transferred to, and vested in, the Commonwealth under the provisions of this article and not purchased back by the owner or claimant, as provided by section 4, and not vested in the occupant, as provided in section 6, shall be sold to the highest and best bidder for cash in hand. Said sale shall be made pursuant to a judgment of the circuit court in said action, and shall be at public auction at the front door of the court house on the first day of some regular term of the circuit or county court, after notice of sale shall have been advertised in the manner required by law in the case of the sales of land under execution. The commissioner shall report the sale to the court for its confirmation, and, when confirmed, the court shall order the commissioner to make a deed to the purchaser. Such deed shall operate to transfer to said purchaser

such title and claim to the land so forfeited and transferred to, and vested in, the Commonwealth as remains in it after the operation of section 6 of this article, and shall so recite.

The money realized from said sale shall be paid out and distributed as follows: First, to the payment of the costs of the suit, including commissioner's fee as fixed by law and a reasonable attorney's fee, to be fixed by the court and paid in the manner provided by law; second, to the county and State the proportion to which each may be entitled, together with interest and penalty, as in this article provided; third, the remainder shall be paid over to the former owner or claimant or his personal representatives or assigns.

§ 8. No action to enforce a forfeiture as authorized and provided in this article shall be instituted after the expiration of five years from the accrual of the right thereto.

§ 9. No owner or claimant of any land in this Commonwealth shall be allowed to prevent the operation of this article by the payment, after January 1st, 1906, of any amount less than the whole of the unpaid taxes, interest and penalties provided by law, that were charged, and that should have been charged, against said owner or claimant of said land and those under whom he claims, as of each and all of said five dates, first mentioned in section 1 hereof; and where such payment is made after the passage of this act, the amount to be paid shall be ascertained, and payment made, as in this article provided.

§ 10. When, for any five successive years after the first day of August, 1906, any owner or claimant of or to any land in this Commonwealth shall fail to list same for taxation and cause himself to be charged with the taxes properly chargeable thereon, or fail to pay the same

as provided by law, then such failure shall be cause for the forfeiture of his title and claim thereto, and the transfer of the same to, and vesting it in, the Commonwealth of Kentucky. And wherever such failure exists, it shall be the duty of the Commonwealth's attorney to institute an equitable action in the circuit court of the county wherein the said land, or a part thereof, lies, for the purpose of declaring said forfeiture and vesting said title and claim thereto in the Commonwealth of Kentucky, and for the sale of such parts thereof as, under the provisions of this article, are liable to sale. Such actions and proceedings pertaining thereto shall conform to the provisions of this article as far as the same may be applicable.

## ARTICLE IV, SUBDIVISION 1.

### ASSESSMENT OF CERTAIN CORPORATIONS.

§ 1. Every railway company or corporation, and guarantee or security company, gas company, water company, ferry company, bridge company, street railway company, express company, electric light company, electric power company, telegraph company, press dispatch company, telephone company, turnpike company, palace-car company, dining-car company, sleeping-car company, chair-car company, and every other like company, corporation or association, also every other corporation, company or association having or exercising any special or exclusive privilege or franchise not allowed by law to natural persons, or performing any public service, shall, in addition to the other taxes imposed on it by law, annually pay a tax on its franchise to the State, and a local tax thereon to the county, incorporated city, town or taxing district, where its franchise may be exercised. The Auditor, Treasurer and

Secretary of State are hereby constituted a Board of Valuation and Assessment for fixing the value of said franchise, except as to turnpike companies, which are provided for in section 1 of subdivision 4 of this article, the place or places where such local taxes are to be paid by other corporations on their franchise, and how apportioned, where more than one jurisdiction is entitled to a share of such tax, shall be determined by the Board of Valuation and Assessment, and for the discharge of such other duties as may be imposed on them by this act. The Auditor shall be chairman of said board, and shall convene the same from time to time, as the business of the board may require. It shall be the duty of the Attorney-General, when requested by the Board of Valuation and Assessment, to attend said board at its meetings and advise with same in its proceedings.

§ 2. In order to determine the value of the franchises mentioned in the next preceding section, except banks and trust companies whose statements shall be filed as hereinafter required by section 1 of subdivision 2 of this article, shall, annually, between the fifteenth day of September and the first day of October, make and deliver to the Auditor of Public Accounts of this State a statement, verified by its president, cashier, secretary, treasurer, manager, or other chief officer or agent, in such form as the Auditor may prescribe, showing the following facts, viz.: The name and principal place of business of the corporation, company or association; the kind of business engaged in; the amount of capital stock, preferred and common; the number of shares of each; the amount of stock paid up; the par and real value thereof; the highest price at which such stock was sold at a bona fide sale within twelve months next before the fifteenth day of September of the year in which the statement is required to be made; the amount of surplus

funds and undivided profits, and the value of all other assets; the total amount of indebtedness as principal, the amount of gross or net earnings or income, including interest on investments, and incomes from all other sources for twelve months next preceding the fifteenth day of September of the year in which the statement is required; the amount and kind of tangible property in this State, and where situated, assessed, or liable to assessment in this State, and the fair cash value thereof, estimated at the price it would bring at a fair voluntary sale, and such other facts as the Auditor may require.

§ 3. Where the line or lines of any such corporation, company or association extend beyond the limits of the State or county, the statement shall, in addition to the other facts hereinbefore required, show the length of entire lines operated, owned, leased or controlled in this State, and in each county, incorporated city, town or taxing district, and the entire line operated, controlled, leased or owned elsewhere. If the corporation, company or association be organized under the laws of any other State or government or organized and incorporated in this State, but operating and conducting its business in other States as well as in this State, the statement shall show the following facts in addition to the facts hereinbefore required: The gross and net income or earnings received in this State and out of this State, on business done in this State, and the entire gross receipts of the corporation, company or association in this State and elsewhere during the twelve months next before the fifteenth day of September of the year in which the assessment is required to be made. In cases where any of the facts above required are impossible to be answered correctly, or will not afford any valuable information in determining the value of the franchise to be taxed, the said board may excuse the officer from answering such questions: Pro-

vided, That said board, from said statement, and from such other evidence as it may have, if such corporation, company or association be organized under the laws of this State, shall fix the value of the capital stock of the corporation, company or association, as provided in the next succeeding section, and from the amount thus fixed shall deduct the assessed value of all tangible property assessed in this State, or in the counties where situated. The remainder thus found shall be the value of its corporate franchise subject to taxation as aforesaid.

§ 4. If the corporation, company or association be organized under the laws of any other State or government, except as provided in the next section, the board shall fix the capital stock in this State by capitalizing the net income derived in this State, or it shall fix the capital stock as hereinbefore provided, and will determine from the amount of the gross receipts of such corporation, company or association in this State and elsewhere, the proportion which the gross receipts of this State, within twelve months next before the fifteenth day of September of the year in which the assessments were made, bears to the entire gross receipts of the company, the same proportion of the value of the entire capital stock or the capitalizing of the net earnings in this State, less the assessed value of the tangible property assessed, or liable to assessment, in this State, shall be the correct value of the corporate franchise of such corporation, company or association for taxation in this State.

§ 5. If the corporation organized under the laws of this State, or of some other State government, be a railroad, telegraph, telephone, express, sleeping, dining, palace or chair car company or a corporation performing any other public service, the lines of which extend beyond the limits of the State, the said board will fix

the value of the capital stock as hereinbefore provided, and that proportion of the value of the capital stock which the length of the lines operated, owned, leased, or controlled in this State, bears to the total length of the lines owned, leased or controlled in this State and elsewhere, shall be considered in fixing the value of the corporate franchise of such corporation liable for taxation in this State; and such corporate franchise shall be liable to taxation in each county, incorporated city, town or district through or into which such lines pass, or are operated, in the same proportion that the length of the line in such county, city, town or district bears to the whole length of lines in this State; but if any such railroad or other corporation organized under the laws of this State have all of its lines outside of this State, the said board shall fix the value of its entire capital stock as hereinbefore provided, and apportion to this State for taxation therein one per cent. of its said capital stock, and the amount so apportioned shall be the value of its intangible property, including its corporate franchise, stocks, bonds, securities and choses in action, subject to taxation in this State and in the county, city, town and district where its principal place of business in this State may be located.

§ 6. Whenever any person or association of persons not being a corporation, nor having capital stock, shall, in this State, engage in the business of any of the corporations mentioned in the first section of this article, then the capital and property, or the certificates or other evidences of the rights or interests of the holders thereof in the business or capital and property employed therein shall be deemed and treated as the capital stock of such person or association of persons for the purpose of taxation and all other purposes under this article, in

like manner as if such person or association of persons were a corporation.

§ 7. It shall be the duty of the Auditor, immediately after fixing such values by said board, to notify the corporation of the fact; and all such corporations shall have thirty days from the time of receiving the notice to go before such board and ask a change of the valuation, and may introduce evidence, and the chairman of the board is hereby authorized to summons and swear witnesses and, after hearing such evidence, the board may change the valuation as it may deem proper, and the action of the board shall be final.

§ 8. The Auditor shall, at the expiration of thirty days after the final determination of such values, certify to the county clerk of the counties, when any portion of the corporate franchise of any such corporation, company or association shall be liable to local taxation as herein provided, the amount thereof liable for county, city, town or district tax, and such certificate shall be by each county clerk filed in his office, and be by him certified to the proper collecting officer of the county, city, town or taxing district for collection, and all county, city, municipal, school and other taxes shall be due and payable thirty days after the notice of the amount of such tax is given by the officer whose duty it is to collect the same.

§ 9. The property of all corporations, except where herein differently provided, shall be assessed in the name of the corporation in the same manner as that of a natural person, except that, when legally called on, the chief officer shall report a full statement of the property of such corporation for taxation, and, for a failure, shall be subject to the penalties in this article provided; and so long as said corporation pays the taxes on all its

property of every kind, the individual stockholders shall not be required to list their shares in said corporation.

§ 10. All corporations and other persons who are required to make reports to the Auditor of Public Accounts shall pay all taxes due the State from them into the treasury at the same time, and shall be liable for and pay the same rate of interest and penalties as defaulting individuals, except where otherwise specially provided.

§ 11. Any corporation, or officer thereof, willfully failing or refusing to make reports as required by this chapter shall be deemed guilty of a misdemeanor, and for each offense shall be fined one thousand dollars and fifty dollars for each day the same is not made after October the first of each year.

§ 12. The individual stockholders of the corporation which are, by this article, required to report and pay taxes upon the corporate franchise shall not be required to list their shares in such companies so long as the corporations pay the taxes on the corporate property and franchises as herein provided.

§ 13. Should any corporation required to make the report as hereinbefore provided be in the hands of, or under the control of, a receiver or other person, it shall be the duty of such receiver or other person to make the return and valuation as hereinbefore required.

§ 14. Should any corporation fail to make the reports as required herein on or before the first day of October of each year, the said board shall proceed to ascertain the facts and values as required by this article, in such manner and by such means as it deems proper, at the cost of the company failing to make the report, and shall fix the value of the corporate franchise liable for taxation as aforesaid and the corporation shall be taxed accordingly.

§ 15. All State taxes assessed against any cor-

poration, company or association, under this article, except banks and trust companies, shall be due and payable thirty days after notice of the same has been given said corporation, company or association by the Auditor; and all county, municipal, school and other taxes shall be due and payable thirty days after notice of the amount of said tax is given by the officer whose duty it is to collect the same; and every such corporation, company or association failing to pay its taxes, after receiving thirty days' notice, shall be deemed delinquent, and a penalty of ten per cent. on the amount of the tax shall attach, and thereafter such tax shall bear interest at the rate of ten per cent. per annum. Any such corporation, company or association failing to pay its taxes, penalty and interest, after becoming delinquent, shall be deemed guilty of a misdemeanor and, on conviction, shall be fined fifty dollars for each day the same remains unpaid, to be recovered by indictment or civil action, of which the Franklin Circuit Court shall have jurisdiction. It shall be the duty of the county clerk to furnish to the Auditor of Public Accounts, on blanks provided by the Auditor, a statement of the assessed value of the tangible property of all corporations, companies or associations paying a franchise tax under this act.

Any county clerk failing to comply with the requirements of this act shall be guilty of a misdemeanor and, on conviction, shall be fined not less than ten nor more than twenty-five dollars.

## SUBDIVISION 2.

### BANKS AND TRUST COMPANIES.

§ 1. An annual tax, at the same rate which may be fixed by law upon other personalty for State pur-

poses, is hereby imposed upon each one hundred dollars of value of the shares of State banks and trust companies, incorporated under the laws of this Commonwealth, and of National banks doing business therein, and such tax shall be paid to the Treasurer of the State annually by such banks and trust companies for and on behalf of the owners of such shares of stock; and in addition thereto the said banks and trust companies shall pay to the local authorities in counties, cities, towns and districts taxes at the same rate imposed upon other personalty therein.

§ 2. In order to determine the value of the shares of such trust companies, State and National banks, and to assess all shares of such State and National banks and trust compasies for State purposes and for the purpose of taxation in each county, city, town and taxing district, it shall be the duty of the president, cashier or other chief officer of each State bank, trust company and National bank in this State, annually, between the first day of September and the first day of March, to make and deliver to the Auditor of Public Accounts a statement, verified by its president, cashier or other chief officer, in such form as the Auditor may prescribe, showing the following facts, to-wit: The name and post-office address of the bank or trust company; the names of the president, cashier and board of directors thereof; the number of shares of stock, and the par and market value of each share; the amount of surplus fund and undivided profits; the amount of value of all real estate situated in this Commonwealth, held and owned by the bank or trust company on the first day of September of each year; the amount of its loan and discounts; the amount of its deposits, and such other information as the Auditor may require.

§ 3. The Auditor, Treasurer and the Secretary of State

are hereby constituted a Board of Assessment for the purpose of fixing the value of shares of all trust companies, State and National banks in this Commonwealth. It shall be the duty of the Auditor, immediately after the Board of Assessment has fixed the value of the shares of such trust companies and banks, to furnish each bank and trust company with a statement of the value fixed on its shares and the amount of tax due to the State thereon; and the bank and trust company, and their shareholders, shall have thirty days from the time of receiving the notice by such bank or trust company to go before the board and ask for a change in the valuation of such shares of stock, and the board, after hearing such evidence as may be submitted, may change the valuation and assessment as it may deem proper, and the action of the board shall be final. Each bank and trust company shall be entitled to have deducted from the total valuation placed on its shares by said board the assessed value of its real estate in this State. It shall be the duty of the trust company and banks to list with the county assessor of each county its real estate and pay the taxes thereon to the sheriff. The Auditor shall, at the expiration of thirty days after final action by said board, certify to the county clerk of each county where trust companies or banks are located the value of the shares of the bank or trust company, less the assessed value of its real estate, and such certificate shall be by each county clerk filed in his office, and be by him certified to the proper collecting officer of the county, city, town or taxing district for collection; and each city, town or taxing district shall be entitled to collect taxes on such valuation, and it shall be the duty of such banks or trust companies to pay the same to such collecting officer. Any bank or trust company failing,

through its officers, to make the report and pay the taxes as herein provided for, shall be liable to such penalties and fines as are imposed by law for such failure on the part of corporations in this Commonwealth required to make such reports and pay taxes to the Treasurer thereof. Said fines and penalties shall be recovered under indictment in the Franklin Circuit Court. Taxes due to the State by trust companies, State and national banks, imposed by this law, shall be payable directly into the State Treasury by the banks and trust companies, on or before the first day of July next succeeding such report, and taxes to counties, cities, towns and districts shall be paid at the time fixed by law for the payment of like taxes.

§ 4. All laws or parts of laws in conflict or inconsistent with this act, providing for other methods of taxation of shares of national banks or the taxation of trust companies and State banks, incorporated under the laws of this Commonwealth, and the collection of taxes thereon, are hereby repealed.

§ 5. All national banks, trust companies and State banks shall file with the Auditor their reports herein provided for on or before the 15th day of April, 1906, and annually thereafter on or before March the first. Said reports shall be made up to and including the first day of the preceding September.

## SUBDIVISION 3.

### BUILDING AND LOAN ASSOCIATIONS.

§ 1. That the shares of building associations or building and loan associations shall be taxed as other individual personal property, and shall be listed with the assessor for that purpose by the owners of said

shares, the amount so listed by every owner or shareholder to correspond with the amount paid in and not withdrawn by the said shareholders on the first day of August of every year: Provided, That the borrowing members shall not be required to list their shares, if the amounts borrowed by certain members equal or exceed the amount paid in on their respective shares. The shares of infants shall be listed by the parents or guardians of such infants.

§ 2. The president or secretary of every such building association or building and loan association, shall list with the assessor the amount of such surplus funds and undivided profits as the association may have on hand and undistributed on the first day of August of every year.

## SUBDIVISION 4.

### TURNPIKE COMPANIES.

§ 1. Each turnpike road company in the State shall, by its president or chief officer, make out the reports required in this chapter, on blanks furnished by the Auditor, to the several county clerks of this Commonwealth, who shall furnish, upon application, these blanks to the president or chief officer of every turnpike in or passing through his county. The president or chief officer shall fill out these reports, showing the exact financial condition in detail of the road, the whole length of the road, and the length of the road in each county, and shall, annually, between the first day of August and the first day of September, make and deliver said report, verified under oath, to the county clerk of every county in which the road or any part of it may be located, and kept by said clerk as a public

record. These reports shall be used by the board of supervisors of each county in ascertaining the value of the franchise of each road, or part of a road, in their county, and they shall add the amount, if any be found, to the amount of tangible property assessed by the assessor, and the amount as ascertained shall be the whole amount of taxable value of said road. The tangible property assessed by the assessor shall be subject to the supervision of the board of supervisors also. Any president or chief officer of a turnpike company who fails or refuses, or knowingly makes any false statement in his reports, shall be deemed guilty of a misdemeanor, and for each offense shall be fined not less than ten dollars nor more than fifty dollars.

## ARTICLE V.

### RAILROADS.

§ 1. That the president or chief officer of each railroad company, or other corporation owning or operating a railroad line, in whole or in part, in this State, and all railroad or other bridge companies owning or operating the bridge spanning a river constituting the boundary of this State shall, on or before the first of August in each year, return to the Auditor of Public Accounts of the State, under oath, the total length of such railroad, including the length thereof beyond the limits of the State, and designating its length within this State, and in each county, city, incorporated town and taxing districts therein, together with the average value per mile thereof, and in the respective counties, cities, incorporated towns and taxing districts therein, together with the average value per mile thereof, for the purpose of being operated as a carrier of freight and passengers,

including engines and cars, and a list of the depot grounds and improvements, and other real estate of the said company, and the value thereof, and the respective counties, cities and incorporated towns in which the same are located. That if any of said railroad companies own or operate a railroad or railroads out of this State, the president or chief officer of such company shall only be required to return such proportion of the entire value of all its rolling stock as the number of miles of its railroad in this State bears to the whole number of miles operated by said company in and out of this State. Said report shall be made as of the first day of July, and a failure to file said report by the first day of August shall subject the president or chief officer residing in this State to a fine of one thousand dollars, and fifty dollars for every day after the first day of August that he fails to file said report, to be recovered as indicated by section 9 of this article.

§ 2. Should any railroad or bridge, or part of a line of railroad in this State be in the hands or under the control of a receiver or other person, by order or decree of any court in this or any other State, it shall be the duty of such receiver or other person to make, under oath, the returns and valuations required by the first section of this article; and should the president or chief officer of any railroad company, or such receiver, fail to make said return and valuations on or before the first day of August in each year, the said Auditor shall proceed and ascertain the facts and values required by this article to be returned, and in such manner and by such means as he may deem best, and at the cost of the company failing to make the returns and values.

§ 3. The Auditor shall lay before the Railroad Commission, on or before the first day of October, the returns made to him under this act, and any schedules

and valuations he may have made under sections 1 and 2 of this article. And should the valuations, or any of them, in the judgment of said board, be either too high or too low, they shall correct and equalize the same by a proper increase or decrease thereof. Said board shall keep a record of their proceedings, to be signed by each member present at any meeting, and the said board is hereby authorized to examine the books and property of any railroad company to ascertain the value of its property, or to have them examined by any suitable disinterested person, to be appointed by them for that purpose.

§ 4. It shall be the duty of the county superintendent of county schools in each county in which a railroad or bridge is operated to furnish, on or before the first day of July of each year, to such railroad or bridge company or companies, the boundary of each graded or common school district through or into which any part of such railroad or bridge or other railroad or bridge property is situated; and the county clerk of any county containing any other taxing district through or into which any railroad or bridge is located shall make a similar report to such railroad or bridge company. Any county superintendent or county clerk failing to make report as herein required, or who shall make false report, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than fifty nor more than one hundred dollars for each offense.

§ 5. All taxes against any railroad or bridge company, which shall be levied in any common school district, shall be paid to the superintendent of common schools of the county for the benefit of the district entitled thereto.

§ 6. The provisions of this law shall not be construed to apply to any colored school district: Provided, That the same rate of taxation assessed against the real estate of any railroad or bridge company or corporation in any graded common school district or common school district, in any year, shall be assessed against all of the taxable property, in such district, and the railroad or bridge tax, when collected, shall be paid over to the county superintendent of the county in which the district school house wherein the tax assessed shall be situated, and shall constitute and be held by the county superintendent as a graded or common district school fund; and the said fund shall be apportioned and distributed by the county superintendent between the white graded common school or white common school district wherein said tax shall be collected and any colored common school district which shall be located over the same boundary; the distribution shall be in the same ratio that the whole number of white children of pupil age and the whole number of colored children of pupil age residing in the district shall bear to the whole number of children, white and colored, residing in the district wherein such tax shall be collected.

§ 7. The same rate of taxation for State purposes which is or may be in any year levied on other real estate, shall be, and is hereby, levied upon the value, so found by said board, of the railroad bridge, rolling stock and real estate of each company; and the same rate of taxation for the purposes of each city, town, part of a county or tax district, of any kind, in which any portion of any railroad or bridge is located, which is, or, may be, in any year levied on other real estate of said company therein, and of the number of miles of said road, therein, reckoned as of the value of the aver-

age of each mile of such railroad, with its rolling stock, as ascertained as aforesaid; Provided, That railroad bridges, spanning any river, which constitutes the boundary or State line of the Commonwealth, shall be assessed as of the counties in which they are located, and local tax derived therefrom shall be applied to each city, town, county or tax district in which said bridges are or may be located. And immediately after said board shall have completed its valuations each year, the Auditor of Public Accounts shall notify the clerk of each county court of the amount so assessed for taxation in his county, and each railroad or bridge company of the amount of its assessment for taxation for State purposes and for the purposes of such city, town, county, part of county and tax district.

§ 8. All State taxes assessed against any railroad or bridge company shall be due and payable thirty days after notice by mail of the assessment given by the Auditor, and all counties, city, municipal, school and other taxes shall be due and payable thirty days after notice of the amount of said tax is given by the officer whose duty it is to collect the same; and every such company failing to pay its taxes after receiving such thirty days' notice of the amount of such tax shall be deemed delinquent, and a penalty of ten per cent. on the amount of the tax shall attach, and thereafter such tax shall bear interest at the rate of ten per cent. per annum. Any railroad or bridge company failing to pay its taxes, penalty and interest, after becoming delinquent, shall be deemed guilty of a misdemeanor, and on conviction, shall be fined fifty dollars for each day the same remains unpaid, to be recovered by indictment or civil action, of which the Franklin Circuit Court shall have jurisdiction.

§ 9. Taxes, penalties and interests due the Commonwealth from any railroad or bridge company may be recovered by the Auditor of Public Accounts, by action in the name of the Commonwealth, in the Franklin Circuit Court; and those due any county, city, incorporated town or taxing district may be recovered by the officer authorized to receive the same, by action in the name of the Commonwealth in any court of competent jurisdiction.

ARTICLE VI.

§ 1. Every owner or proprietor of a distillery bonded warehouse in which distilled spirits are stored shall, between the first day of August and the first day of September of each year, report to the Auditor of Public Accounts, in writing, sworn to by the person making the report; or if the owner or proprietor of such warehouse be a corporation, the report shall be made and sworn to by its principal officer or manager in charge. Such report shall show the quantity and kind of spirits in such warehouse on the first day of August in the year the statement is required to be made, the dates when made, the county, city, town or taxing district in which the warehouse is situated; whether or not the United States Government tax has been paid thereon, if not, the date of expiration of the bonded period; the fair cash value of the spirits estimated at the price it would bring at a fair voluntary sale, and such other facts pertaining to such spirits as the Auditor may require.

§ 2. That the said reports shall be, by the Auditor of Public Accounts, submitted to a board of valuation and assessment composed of the Auditor of Public Accounts, the Treasurer of the State and the Secretary of State, who are hereby constituted such board, and

said board shall fix the values for the purpose of taxation under this act, and assess the same accordingly, and shall keep a record of the same accordingly, and shall keep a record of their valuations and assessments in a book provided for that purpose, and said record shall be evidence in all courts of the proceedings of said board.

§ 3. The Auditor of Public Accounts shall file such reports with the board, which shall assess the spirits for taxation at its fair cash value, estimated at the price it would bring at a fair voluntary sale. The board shall at once notify the owner or proprietor of the warehouse of the amount so fixed; and such owner or proprietor shall have thirty days, after receiving the notice, to go before the board and ask a change of the valuation, and may introduce evidence; and the board may make such changes as it may deem proper. The action of the board shall be final.

§ 4. Immediately after finally fixing such values, the board shall certify to the Auditor of Public Accounts the value of the spirits as assessed for State tax; and said officer shall certify to the said county clerk of the respective counties the amount liable for county, city, town or district taxation, and the date when the bonded period will expire on such spirits. The report shall be by the county clerk filed in his office, and by him certified to the proper collecting officer of the county, city, town or taxing district for collection.

§ 5. Any person or corporation having the custody of such spirits on the first day of August in the year the assessment is made shall be liable for all taxes due thereon, together with all interest and penalties which may accrue; and any warehouseman or custodian of such spirits, who shall pay the taxes, interest or penalties

on such spirits, shall have a lien thereon for the amount so paid, with legal interest from day of payment.

§ 6. Taxes on distilled spirits which may be assessed while in a bonded warehouse, and on which the United States Government tax has not been paid, or will not become due before the first day of March after the assessment, shall be due on the second day of January, May and September next after the said Government tax become due or be paid or when the spirits are removed from the warehouse; and the taxes on each year's assessment shall bear legal interest until paid.

§ 7. Every owner or proprietor of a bonded warehouse in which distilled spirits may be stored, as contemplated in the preceding section, shall, on the first day of January, May and September next after said Government tax shall have been paid, become due, or be removed from the warehouse, make and transmit to the Auditor of Public Accounts and the clerk of the county court in which the spirits may have been at the time of the assessment, a statement sworn to by the person whose duty it is to make the report, showing the quantity of spirits on which the Government tax has been paid or has become due, and what spirits have been removed from the warehouse during the preceding four months, the years in which such spirits were assessed for taxation, and the county, city, town or taxing district in which the warehouse is situated in which the spirits were stored at the time of the assessment, and shall, at the same time, pay all taxes and interests on such spirits due the State, county, taxing district, city, or town to the officers entitled to receive the same. The report herein required shall be made by the owner or proprietor of such bonded warehouse whether any spirits are stored in such warehouse or not at the time the report is due.

§ 8. On the failure of any owner or proprietor of any such warehouse to pay the taxes and interests within five days after the same has become due, he shall be deemed delinquent, and a penalty of eight per cent. on each year's taxes due on the spirits shall attach, and the officer authorized to collect such taxes shall at once cause such proceeding to be instituted for the collection of such taxes, with such interest and penalties as may be provided by law for the collection of other delinquent taxes.

§ 9. If any warehouseman or custodian of such spirits fail to make the report as required in section 1 of this article, the board shall ascertain the necessary facts therein required to be reported and for this purpose shall have access to the records of such warehouseman or custodian, and the same shall be assessed and taxes collected thereon, with interest and penalties, as though regularly reported.

§ 10. Any person whose duty it is to make the reports as herein required, who shall fail to do so, shall be deemed guilty of a misdemeanor and, on conviction, be fined not less than one hundred nor more than five hundred dollars; and any such person who shall willfully fail to make such report with intent to evade payment of taxes, shall be guilty of a misdemeanor and, on conviction, be fined not less than five hundred dollars nor more than one thousand dollars; and any person who shall make a false report, with intent to evade the payment of taxes, shall be deemed guilty of false swearing and, on conviction, be punished as prescribed by law for such crimes.

## ARTICLE VII.

### BOARD OF SUPERVISORS.

§ 1. The county judge, except in counties having a city therein of the first, second, third or fourth classes, shall, at the November term of each court, appoint five intelligent, discreet housekeepers and owners of real estate residing in different portions of the county and in counties having a city therein of the first or second class he shall appoint three additional persons in such city and from different wards thereof; and in counties having a city therein of the third or fourth class, he shall appoint two additional persons from each city and from different wards thereof, who shall constitute the Board of Supervisors of tax in their respective counties.

§ 2. The clerk of the county court shall make as many copies of the order appointing such supervisors as there are supervisors appointed and one more, and deliver same to the sheriff of the county, who shall deliver a copy to each supervisor at least twenty days before the first day of January thereafter, and make due return thereof to the clerk of the county court.

§ 3. The supervisors, before they enter upon the discharge of their duties, shall take the following oath: "You swear that you will, to the best of your ability, discharge the duties required of you as supervisor of tax, and that, in each instance where the property has not been assessed at its fair cash value, estimated at the price it would bring at a fair voluntary sale, you will increase or decrease the value and fix the value at what you believe the property would bring at a fair voluntary sale."

§ 4. The failure to be in attendance promptly on the day fixed for the session of the board to begin shall, without a reasonable excuse, subject the person or per-

sons so failing to a fine of not exceeding twenty-five dollars; and the vacancy or vacancies so created, or from any other cause, shall be filled by the county judge.

§ 5. The said supervisors shall convene at the county seat of their respective counties on the first Monday of January of each year. At the time of their meeting, it shall be the duty of the county clerk to deliver to said supervisors the assessor's book for the county, which shall be considered by the said board, in connection with other information, in ascertaining and fixing the fair cash value of property in the county, estimated at the price it would bring at a fair voluntary sale.

§ 6. The Board of Supervisors shall make a careful examination of the assessor's books, and each individual list thereof, and may increase or decrease any list; but the board shall not reduce or raise any assessment unless the evidence be clear and unmistakable that the valuation is not a fair cash value, and shall list all property omitted by the assessor which may be subject to taxation in the county, and shall correct any errors of the assessor; and in cases where the property has not been correctly valued, they shall fix the value thereof, and correct the assessor's books, so as to show the true value of the property, as herein provided; but should any property escape assessment by the assessors or supervisors, in whole or in part, it may be assessed as provided in section 3, article 15.

§ 7. The board shall continue in session at the first meeting not less than two, nor more than six days, in counties having a population less than 20,000 and not containing therein a city of the first, second, third or fourth class; and in counties having a population of 20,000 or more, and not containing therein a city of the first, second, third or fourth class, the board shall continue in session not less than two nor more than eight

days; and in counties having therein a city of the first class, the board may remain in session twenty days; and in counties having therein a city of the second class, the board may remain in session fifteen days; and in counties having therein cities of the fourth class, the board may remain in session ten days. The clerk of the county court shall act as the clerk of the Board of Supervisors. He shall be allowed the same compensations for his services as a member of the board and be paid in the same way. It shall be the duty of said clerk to make out and deliver to the sheriff a list of the names of all persons whose property has been raised by the Board of Supervisors and the amount thereof.

§ 8. The sheriff shall notify all such taxpayers whose list has been increased or assessed by the board, and also notify them of the time to which the board adjourned. Notice to non-residents or infants shall be to their attorney or agent or guardian; if none in the county, by posting in some conspicuous place on the premises. The sheriff shall be allowed a reasonable compensation for his services, to be paid out of the county levy.

§ 9. The board, in reassembling, shall hear all complaints and pass upon the assessment of all taxpayers, and for that purpose the board, in counties having therein a city of the first or second class, shall remain in session not less than one nor more than ten days, and in other counties not less than one nor more than five days. The board may summon and swear witnesses, and require them to testify. Any person who shall willfully fail to obey the summons of the board, or shall refuse to testify before it when required, shall be deemed guilty of a misdemeanor and, on conviction, be fined not less than twenty-five nor more than one hundred dollars for each offense.

§ 10. If the board, during its session, find any prop-

erty which has not been assessed, and for which they can find no owner, they shall describe and locate such property and assess the value thereof.

§ 11. The Board of Supervisors shall keep a record of their proceedings and correct the tax books thereby. They shall annex their certificate to the tax books that they have examined, and approve the same, and the number of days they were actually engaged, and shall return the same, with the record of their proceedings, to the county clerk on or before the tenth day of February.

§ 12. The clerk shall certify to the county court the approval of the tax books, and the county court shall enter the fact of record; also the amount due the supervisors for their services. On a presentation of a copy of the order, the Auditor shall draw his warrant on the Treasurer in favor of the assessor for the portion of his claims, as provided by law, and the amount due the supervisors and clerks for their services.

§ 13. The supervisors and clerks shall be allowed three dollars per day for each day they may be necessarily employed, to be paid one-half by the fiscal court of the county and the other half out of the State Treasury.

§ 14. Any informality or irregularity in the execution of their duties as supervisors, and any failure of duty on their part, shall not render any assessment invalid. But any taxpayer feeling himself aggrieved by the action of said Board of Supervisors, may appeal to the quarterly court within thirty days after the final adjournment of said board, by filing with the judge of said court a certified copy, under the hand of the clerk of said board, of the action of said board. "And as to further appeals, he shall have the same rights as are now allowed by law in civil cases. It shall be the duty of the county attorney to appear and defend for the board."

ARTICLE VIII.

§ 1. The sheriff, by virtue of his office, shall be collector of all State, county and district taxes, unless the payment thereof is, by law, specially directed to be made to some other officer.

§ 2. The sheriff or collector shall, on or before the first day of March next succeeding his election, and on or before the said day annually thereafter, enter into bonds with surety for the faithful performance of his duties. A quietus by the Auditor of Public Accounts, and from the fiscal court of his county for the tax for the preceding year shall be produced by each sheriff or collector to the county court on or before that day, and no tax book shall be delivered to the sheriff or collector after the first year of his term who shall fail to exhibit such quietus on or before that date. He may execute bond at any time after he receives his certificate of election up to and including the first day of March succeeding his election, and it shall be the duty of the judge of the county court to hold a court at any time the sheriff may request for that purpose. The county judge shall judge of the sufficiency of the surety, and in no case shall sureties be taken who are not jointly worth, subject to execution after the payments of all their debts and liabilities, a sum equal to the aggregate amount of money, which may probably be received by the sheriff or collector during the year succeeding the execution of the bond. The Commonwealth, the county and taxing district shall have a lien from the date the sheriff begins to act upon the real estate of the sheriff therein secured or afterward acquired by him, which shall not be discharged until the whole amount of money collected by the sheriff

or collector, or for which he may be liable to them respectively, shall have been paid, and the same lien shall exist upon the real estate of an usurper of the office of sheriff or collector, or a de facto sheriff or collector, or any person who may act as sheriff or collector.

§ 3. On the failure of the sheriff or collector to execute bond and qualify as hereinbefore provided, he shall forfeit his office, and the county court may appoint a sheriff or collector to fill the vacancy until a sheriff or collector is elected, or it may appoint a collector for the county of all moneys due the State, county or taxing district authorized to be collected by the sheriff, or it may appoint a separate collector of all the moneys due the State, county or any taxing district thereof during the vacancy in the office of sheriff; and in the event the county court fails for thirty days to appoint a collector of money due the State, the Auditor of Public Accounts may appoint a collector thereof. Such collectors shall, within ten days after their appointment, execute bond as required of the sheriff, to be approved by the county court, and if the bond be not executed within said time the appointment of another collector may, in like manner, be made and qualified.

§ 4. No sheriff or collector, who shall forfeit his office under the preceding section, or who shall resign his office, shall be appointed deputy sheriff or collector for the county, or elisor or deputy collector or a deputy elisor; and if such appointment be made he shall receive no compensation for his services as such.

§ 5. The bond of the sheriff or collector shall be, in substance, as follows: We, A B (sheriff or collector, as the case may be), and C I and E F, his sureties, bind and obligate ourselves, jointly and severally, to the Commonwealth of Kentucky, that the said A B (sheriff or collector, as the case may be) shall faithfully perform

his duties. Witness our signature this —— of ————. The bond shall be executed in duplicate, one of which shall be filed and recorded in the county clerk's office, and the other shall be sent to the Auditor of Public Accounts and filed in his office.

§ 6. The county court may require the sheriff to give an additional bond or bonds, with good surety, to be approved by the county court whenever it may deem the interest of the State or county demands; and the sureties on all the bonds executed by the sheriff shall be jointly and severally liable for any default of the sheriff during the term in which said bond may be executed, whether the liability accruing before or after the execution of such bond or bonds.

§ 7. The outgoing sheriff, as soon as his successor has been qualified and his bond approved, shall immediately vacate his office, deliver to his successor all books, papers, records and other property held by virtue of his office, and shall make a full and complete settlement of his accounts as sheriff. On the failure of any outgoing sheriff for ten days to comply with the provisions of this section, he shall be deemed guilty of a misdemeanor and, on conviction, be fined in a sum not less than fifty nor more than five hundred dollars, and be liable on his bond for any default.

§ 8. If the sheriff shall die, resign or be removed during his term of office, his sureties shall have the right to nominate a person to collect the revenue for that year, and upon their written nomination of such person he shall be appointed by the county court, and the sureties shall remain liable to the Commonwealth for the taxes with which their principal was charged: Provided, That this section shall not apply when in any case the sureties, in the opinion of the county court, are not in the aggregate worth, in property subject to exe-

cution, above their debts, the amount of the taxes with which their principal was charged.

§ 9. The sheriff shall keep his office at the county seat of the county, except in counties where the sheriff has an office established in cities or towns other than the county seat, in such counties the sheriff shall continue his office at the place now established, and the fiscal court shall provide him with a room or rooms for an office with a vault or place of safety in which to keep the records of his office. He shall keep an accurate account of all moneys received by him, showing the amount thereof, the time when, and from whom received and on what account; also of all the disbursements made by him, the amount thereof, to whom paid, the time of payment, and on what account; and he shall so arrange and keep his books that the amounts received and paid on account of separate and distinct or specific appropriations shall be exhibited in separate and distinct accounts. He shall balance his books on the first day of each month, so as to show the correct amount on hand belonging to each fund on the day the balance is made.

§ 10. The books of the sheriff shall at all times be open to the inspection of the Auditor of Public Accounts, the Auditor's agent, the fiscal court or any member thereof, the Commonwealth's and county attorneys or any taxpayer or person having any interest therein.

§ 11. It shall be the duty of the Auditor of Public Accounts to adopt a form of book-keeping and furnish the books not later than March 1st, to be paid for as other county records, for the several sheriffs and collectors, and all sheriffs and collectors are required to keep their books and accounts in the manner and form required by the Auditor of Public Accounts, and on intentional failure of any sheriff or collector to keep his books in an intelligible manner and according to the form pre-

scribed by the Auditor of Public Accounts, and to make the entries as required by law, he shall be deemed guilty of a misdemeanor, and for each offense be fined not less than fifty nor more than two hundred dollars, and on failure of the Auditor of Public Accounts to furnish the sheriffs and collectors with such form of book-keeping and books, he shall be deemed guilty of a misdemeanor, and for each offense be fined not less than one hundred dollars nor more than five hundred dollars. The failure to furnish any sheriff or collector such form of book-keeping and books shall be deemed a separate offense. The Franklin Circuit Court shall have jurisdiction to try each offense against the Auditor of Public Accounts for violations of this section.

§ 12. The sheriff shall keep his office open for the collection of moneys which he may be entitled to receive, at all reasonable times, except on Sunday and legal holidays; and when any money is paid him, he shall immediately enter the same upon his books and give to the person paying it a receipt therefor, specifying therein the amount and on what account the same was paid, and when paying any money he shall take a similar receipt. He shall retain the amount of tax and other public dues against any person or corporation out of any claim allowed by the Commonwealth or the fiscal court to such person, except claims allowed for attendance as a witness, notwithstanding any assignment of the same.

§ 13. The sheriff or collector may, with the approval of the county court, appoint one or more deputies, and take bond to himself for the faithful discharge of the duties of such deputies; but in all cases the sheriff shall be liable on his bond or bonds for any misconduct or fault of such deputies; any deputy may be removed at any time by the sheriff.

§ 14. The sheriff or one of his deputies shall, at least once every ninety days, between March first and November first, visit each justice's district of the county for the purpose of receiving taxes; and he shall give notice of the time and place where he will receive taxes in such districts by written or printed notices, posted at three or more public places therein, for not less than ten days before the day designated for that purpose.

§ 15. The sheriff or collector of the State revenue in each county of this Commonwealth shall, on the first day of May, June, July, August, September, October, November and December, under oath, report to the Auditor of Public Accounts the amount of all taxes he has collected and pay the same immediately, and shall account for and pay all taxes which he has collected for the State into the State Treasury by the first day of December in each year; and upon his failing to do so he and his sureties shall be liable therefor, and shall be proceeded against at the first term thereafter of the Franklin Circuit Court. Any sheriff or collector who shall fail to report as herein required shall be liable to indictment in the Franklin Circuit Court, and fined not less than one hundred dollars nor more than five hundred dollars for each offense, and it shall be the duty of the Auditor of Public Accounts to report to the grand jury of Franklin county, at the next term of said court after such failure to report, the name of such sheriff or collector so failing to report. The sheriff or collector shall be required by the Auditor of Public Accounts to pay a penalty of six per centum on all taxes collected and unpaid by him on the first day of December in each year. The Auditor of Public Accounts, in his settlement with the sheriff or collector, shall charge him with the penalties accruing under the provisions of this act.

§ 16. No sheriff or collector shall be concerned or interested, directly or indirectly, in the construction of any public works or improvements made or undertaken, in which the county or State shall be directly or indirectly interested, or on which he may be required to pay money, nor speculate in any claim against the State or county. Any sheriff or collector violating the provisions of this section shall be guilty of a misdemeanor, and, on conviction, shall be fined a sum not less than five hundred dollars, and not more than two thousand dollars for each offense.

§ 17. It shall be unlawful for any sheriff or collector to apply or use any money received by him for any purpose than that for which such money shall have been paid or collected; every such misapplication shall be deemed a misdemeanor, and, on conviction, the sheriff or collector shall be fined not less than one hundred nor more than five hundred dollars for each offense.

§ 18. Each sheriff or collector shall, when required by the fiscal court, settle his accounts of county or district taxes, and at the regular October term of each year the fiscal court shall appoint some competent person other than the Commonwealth's or county attorney to settle the accounts of the sheriff or collector of money due the county or district. The report of such settlement shall be filed in the county clerk's office, and be subject to exceptions by the sheriff or collector or county attorney who shall represent the Commonwealth and county, and the county court shall try and determine such exceptions. An appeal may be prosecuted by either party from the judgment of the county court on such settlement, in the same manner as provided by law for appeals from judgments of the quarterly court, except that the county attorney shall not be required

to give an appeal bond, or actions may be instituted in any court of competent jurisdiction to correct the settlement; and the settlement, when approved, shall be recorded in the county clerk's office.

§ 19. The sheriff or collector of the State and county revenue of each county of this Commonwealth shall, on the first day of May, June, July, August, September, October, November and December in each year, report under oath to the county court of his county the amount of State and county taxes he has collected, together with all fines, forfeitures or money, or any other account that shall have been received or collected by him, showing in said report the amount collected for and belonging to each particular fund, for which such revenue or money may be intended, and the disposition of such revenue or money collected by him. Said report shall be filed and recorded in a separate book furnished by the county clerk for that purpose, which shall be open for inspection in the office of the county clerk. Any sheriff or collector who shall fail to report as herein required shall be liable to indictment in the county of his residence, and fined not less than one hundred dollars nor more than five hundred dollars for each offense.

§ 20. All State, county and district taxes, except as otherwise specially provided, shall be due and payable on and after the first day of March after the assessment, and all taxpayers whose taxes are not paid on the first day of November after the same are due shall be deemed delinquent, and such taxes shall bear interest at the rate of six per cent. per annum from the first day of November after they are due until paid; and any person or persons failing to pay their taxes by the first day of November in the year following the assessment for such taxes, shall pay a penalty of six

per centum additional on the taxes due and unpaid. The sheriff or collector whose duty it is to receive or collect the taxes, shall collect the interest and penalty and account for the same in the same way in which they are required to collect and account for the taxes.

§ 21. Within fifteen days after any taxpayer becomes delinquent as provided in the preceding section, the sheriff or the collector of the county where the property is liable, shall make and certify to the county clerk a list of all such delinquents, the property assessed and the amount of tax, penalty and interest due the State, county or district and the date when interest begins, which he is authorized to collect, which list shall be by the clerk filed in his office and recorded in a book kept for that purpose, and so arranged with appropriate columns in which to record the facts certified by the sheriff and for recording the date of issuing the tax warrant, and the name of the county to which issued, and the substance of the sheriff's return thereon.

§ 22. The county clerk, in whose office the list is recorded, shall, within ten days after this list is filed, issue a tax warrant against each delinquent in the name of the Commonwealth of Kentucky. The tax warrant shall be directed to the sheriff or collector of the county in which the list is recorded, commanding him to collect of the delinquent the tax, interest, penalty and costs, and, if not paid on demand, to distrain and sell the estate of the delinquent, or the estate owned by him at the time the assessment was made, notwithstanding the existence of any lien upon the same, or a sufficient amount thereof to satisfy the tax, interest, penalty and cost of the tax warrant. The tax warrant shall be substantially as follows:

The Commonwealth of Kentucky to the sheriff or collector of —— county, greeting:

You are commanded to collect of —— the tax, interest, penalty and cost hereinafter named, and if not paid on demand, you are commanded that of the estate of said ——, or owned by him on the first day of August, 190—, notwithstanding the existence of any lien upon same, you cause to be made the sum of $——, with six per cent. interest thereon per annum from the —— day of —— until paid ——, and the cost of this warrant amounting to $——, for which the said —— is liable as a delinquent taxpayer, as appears from records in my office, and as stated below, and you will make due return of this warrant on or before the —— day of —— 190—.

Given under my hand, as clerk of the —— county court, this —— day of ——.

Tax —— $——, with interest as above.

Cost —— $——.

Penalty —— $——.

——— ———,

Clerk —— county court.

§ 23. On the return of a tax warrant "no property found," in whole or in part, the clerk, on request of the sheriff or collector, shall issue an alias warrant to any county of the Commonwealth, but no more than one warrant shall be issued or enforced at the same time against the same delinquent for the same tax.

§ 24. The sheriff or collector, by virtue of his office, shall be the collector of tax warrants, and he shall be allowed in addition to the commissions allowed him for collecting taxes the same fees allowed by law to sheriffs for collecting executions, and the county clerk shall be allowed for his services the same fees now allowed him by law for similar services.

§ 25. It shall be the duty of the sheriff or collector who at any time has reasonable grounds to believe

and does believe that any person from whom a tax is due is about to remove his property from the State, county or taxing district, or to conceal the same, to file his affidavit in the office of the county clerk, together with a certified list of the taxes of said person, and the clerk shall issue a tax warrant against such person as provided in this chapter, and the sheriff or collector shall immediately collect said tax by said warrant.

§ 26. As soon as the sheriff or collector receives a tax warrant, he shall distrain sufficient personal property of a delinquent, if found in the county, to satisfy the warrant. If a sufficient amount of personal property be not found, then he will levy on a sufficient quantity of the delinquent's land for that purpose. But if no lands be found belonging to the delinquent, the sheriff shall levy the warrant on any real or personal property owned by the delinquent at the time of assessment for the taxes or a sufficient amount to satisfy the warrant. If the sheriff makes illegal or unreasonable seizure and levy for taxes, he shall be liable in damages to the party aggrieved. A sheriff or tax collector shall sell for cash any property belonging to the delinquent taxpayer so levied upon or as much thereof as will pay the taxes due, penalties, interest and cost of the tax warrant and his commissions, in the same manner that property is sold under execution, except that the land shall not be valued, and shall be advertised by posting, for fifteen days before the sale, a written or printed notice at the court house door, and by publication once a week for four consecutive weeks prior to the day of sale in a newspaper of general circulation, if there be one in the county; if not, then by printed hand bills posted for fifteen days before the sale at the court

house door and in three or more conspicuous places in the taxing district; and he shall, not less than fifteen days before the sale, mail to the delinquent a postal card addressed to his place of residence or place of business, if such can be ascertained, notifying him of the time and place of sale; and in order to cover the cost of such advertisement and notification, the sheriff or collector shall have one dollar for each person whose property is advertised, to be paid by the delinquent, but in no event to be paid by the State, county or taxing district.

§ 27. Each tax warrant shall be returned to the office from which it issued within sixty days from the time it was issued.

§ 28. When real estate is sold for taxes, if no one will bid for and purchase such real estate at the amount of the tax, interest, penalty and costs, including the cost for advertising and the sheriff's or collector's commissions, it shall be the duty of the sheriff or collector to purchase the same for the State, county and taxing district having taxes against the delinquent for the amount of the tax due, interest, penalty, costs and commissions thereon, and he shall make return on the tax warrant to the county clerk, as provided in section 40, of article 8, and the clerk shall certify the same to the Auditor of Public Accounts, and the sheriff or collector shall have credit for the amount of such tax due the State in the settlement with the Auditor of Public Accounts. The owner of such real estate, his representatives, heirs or assigns, shall have the right to redeem the same from the State, county and district, or any other purchaser at any time within two years after the day of sale, by paying the purchase money, with interest at the rate of 10 per centum per annum, and in addition, 15 per centum

penalty upon the total amount of the purchase price and the amount of all costs. The State, county and district shall have the right to possession of lands purchased by them at any time after the expiration of thirty days from the giving of the notice provided for in the next section, and the purchaser, other than the State, county and district, shall have the right to possession of the lands purchased by him at any time after the expiration of six months from the giving of the notice provided for in section 31. In the redemption of lands sold to the State, county and district for delinquent taxes at any time within the period of two years after the sale, or until the revenue agent, under the direction of the Auditor of Public Accounts, assumes charge of the collection by sale or otherwise, the county clerk is hereby vested with the authority to collect such delinquent taxes, interest, costs, commissions and penalties as prescribed by law, and he shall make report thereof to the Auditor of Public Accounts, the treasurer of the county, and the proper officer of the district as often as the latter officers may require, and not less than once in every thirty days; and he shall pay into the State Treasury all moneys collected by him due the State, and the county treasury all moneys due the county, and all moneys due the district to the proper officer thereof, as herein authorized, on the first day of every month, and oftener if required by the Auditor of Public Accounts, or either of the other officers mentioned. Said report of the county clerk, showing the name of each owner and each piece of property redeemed, the years taxes for which delinquent, the assessed valuation for the same for each year, and the total amount paid to the State, county and district for redemption shall be examined by the judge of the county court, and if found correct certified

to the Auditor of Public Accounts, together with the total sum due the State, as shown on said report, less five per centum commission for the collection, which he shall retain for his services.

§ 29. The sheriff or collector shall, at the time he collects any money on a tax warrant, record the tax, interest and penalty on his record book and pay to the clerk his fees, and shall, on or before the return day named in the tax warrant, return the same to the office from which it issued, with return endorsed thereon, and which return shall be recorded by the clerk in the book kept for that purpose.

§ 30. If the sheriff or collector fails to record the money collected on any tax warrant, as hereinbefore required, or to make and certify to the county clerk a delinquent taxpayer, or shall fail to collect the amount of any tax warrant when it is collectible by sale or otherwise, he shall be held liable on his bond for the amount of tax due from any delinquent taxpayer which he fails to certify to the county clerk, and for the amount due on a tax warrant that was collectible when the same came to his hands, and thirty per centum penalties thereon in each instance, to be recovered by motion in the county court of the county in which such delinquent should have been certified to the county clerk, or the tax warrant was issued, on motion of the county attorney or revenue agent in the name of the Commonwealth. The county attorney shall prosecute all such motions, for which services he shall be entitled to the penalties thereon recovered of the sheriff or tax collector: Provided, The tax, interest, costs and penalties due are recovered and paid to the officers entitled to receive the same. The sheriff or collector shall have ten days' previous notice of the motion as herein provided.

§ 31. It shall be the duty of the county attorney for

each county within fifty days after sale, to notify the owner of the land purchased by the State, county and district of such purchase; and if the land so purchased be not redeemed within thirty days from such notification, he shall institute a proceeding for the recovery of possession of such land; and if such land be redeemed after such proceedings are instituted, the owner shall, in addition, pay the costs of such proceedings. The failure of the county attorney to give such notice and institute such proceedings within the time specified shall subject him to a fine of twenty dollars for each offense; and it is hereby made the duty of the county judge to report each and every such failure to the circuit court, at its next term thereafter, whereupon the circuit judge shall cause to issue a rule against said county attorney to show cause, if any, why said fines shall not be entered up against him; and such fine, when collected, shall be for the benefit of the State. In every case where such lands are redeemed from the State, county and district at any time within the period of two years allowed for redemption, the county attorney shall have as his commissions, when he attends to his duties, twenty per cent. of the amount of the money paid to redeem such land, but if he fail to attend to such duties, he shall receive no commission, and the whole of the redemption money shall belong to the State, county and district. It shall be the duty of the purchaser other than the State, county and district, within fifty days after the sale, to give notice in writing to the owner of the land purchased by him of such purchase, and if such land be not redeemed within six months after such notice, he may institute proceedings for the recovery of the possession of such land.

§ 32. If the land be not redeemed within the two years allowed for that purpose, the fee-simple title there-

to shall vest absolutely in the State, county and district, each having a joint interest therein, in proportion to the tax due them respectively; and if said lands purchased by individuals be not redeemed within two years allowed for that purpose, the fee-simple title shall at once vest in such individual. The revenue agent, under the direction of the Auditor of Public Accounts, may, after the two years for redemption have expired, advertise and sell at public sale any of said lands forfeited to the State, and the Auditor may convey said lands by deed to the purchaser, and he shall pay to the county or district, or both, the amount of such tax due each. The revenue agent shall be allowed fifteen per centum for the collection and payment into the treasury of said delinquent taxes, the fifteen per centum to be collected from the delinquent or purchaser, as well as the fee for advertising.

§ 33. Any one injured by failure in or the improper performance of the duties of the assessor or sheriff, shall have a remedy on his official bond, and the criterion of his recovery shall be the value of the property lost by reason of such failure. No such action shall be maintained unless such person shall allege and prove that he made diligent efforts to have such property assessed, and offered to pay the taxes thereon, and all other real property of his liable to assessment.

§ 34. Any minor, or other person laboring under legal disability, except a lunatic or married woman, at the date of sale, shall have one year after the removal of the disability within which to redeem such property, which may be done by paying the purchase money, with fifteen per centum on the amount thereof, and interest at the rate of ten per centum per annum from the date of the sale, and the costs of the sale. But any purchaser, other than the State, county and district, shall forfeit

his right to his purchase, unless within six months after the sheriff shall have delivered to him a certificate of his purchase hereinafter provided for, he shall, in writing, give notice of his purchase to both husband and wife, in case the purchase be of land of a married woman, or to the statutory guardian of an infant, if there be one; if not, to the parent; if none, to the persons having in charge such infant, if the purchase be of the land of an infant; or to the committee of the lunatic, if one; if none, then to the person having charge of such lunatic, if the purchase be of the land of a lunatic. If the lands of a lunatic or married woman be not redeemed within five years from the reception of the notice, the sale shall become absolute.

§ 35. If, after receiving such notice, the guardian of an infant or committee of a lunatic fail to redeem such lands, he shall be liable on his official bond for all damages incident to such failure.

§ 36. The sheriff or collector shall, within thirty days after the sale, issue certificates of purchase describing the land and stating the time of sale and the price for which said land sold, to all purchasers of the land; and in all cases where the purchaser of such land is the State, county or district, the sheriff or collector shall, within six months, give the notice required by section 31 of article 8 of this chapter and for a failure on his part to do so, he shall be liable on his official bond for all damages incident thereto, but the title of the State, county or taxing district shall not be thereby affected; but if the owner of the land purchased can not be found, then the notices required by sections 31 and 34 of article 8 of this chapter shall be served as follows, viz.:

First. Upon any member of his family in the county over sixteen years of age; if none, then,

Second. Upon his agent, if any in the county; if none, then,

Third. By a printed or written notice, posted at the court house door and on or near the premises.

§ 37. All conveyances of land sold for taxes shall be made in the name of the Commonwealth to the person entitled thereto. When the right to redeem shall have expired, the sheriff or collector then in office (where the Auditor of Public Accounts is not directed to make deeds of conveyance as provided in section 32), shall convey to the purchaser the property described in his certificate of purchase, for which deed he shall be allowed a fee of one dollar and fifty cents, to be paid by the grantee in the deed.

§ 38. If the purchaser be the State, county or district, the land may be redeemed for an infant at any time during the infancy, and by him within one year after his majority, by paying the amount necessary to the county clerk, who shall enter upon the book mentioned in section 40 of article 8 of this chapter the word "redeemed" after the description of the land, and shall sign his name, in his official capacity, to said entry. The lands of a married woman or lunatic may be redeemed at any time within the period mentioned in section 34 in the same manner.

§ 39. If the purchaser be a non-resident of the county, having no known agent in the county, or if, being a resident, he can not be found at his usual place of abode, the lands may be redeemed within the time and in the manner stated in the last preceding section; but if he be a resident of the county, and can be found at his usual place of abode, or if he, being a non-resident, has a known agent, who can be found at his usual place of abode, the redemption money must be paid to the purchaser or his agent as the case may be; and in every

case the certificate of purchase shall be surrendered to the party redeeming, who shall, by exhibiting the same to the county clerk, be entitled to have the claim released of record, as in the last preceding section described.

§ 40. Within twenty days after the sale, the sheriff or collector shall make report in writing to the county clerk, at the time he returns the tax warrant showing when the sale was made, the steps taken by him with reference thereto prior to and at the sale, to whom sold, at what price the land was sold, giving a description of the property sold as fully as he is able to do, which report shall be recorded and indexed by the county clerk in a book to be provided by him for that purpose. The sheriff shall at once notify the county attorney of the filing of said report. Said report, when recorded, shall operate as a conveyance and vest the title to the property of all persons "sui juris" in the State, county or district, or either, when purchased by the State, county and district, or either, and shall be constructive notice to the world of the claim existing in favor of the purchaser, whether the State or county or district or an individual, against the lands of persons laboring under no legal disability. If the sheriff shall fail to return the tax warrant, or fail to make said report, he shall be subject to indictment in the circuit court, and, upon conviction, shall be fined not less than five hundred dollars nor more than one thousand dollars for each offense; but the title of the purchaser shall not thereby be affected, and said report may be afterwards filed and recorded with the same effect as if filed and recorded at the proper time.

§ 41. Copies of the records aforesaid, certified by the county clerk, shall be evidence of the facts stated in them in all the courts of this Commonwealth.

§ 42. If the sheriff fails to make the return of sale to the county clerk heretofore provided for, any individual purchaser may file with the county clerk the sheriff's certificate of purchase which the clerk shall record and index in the book aforesaid, and the same shall have the same effect as the sheriff's report would have had if returned.

§ 43. If any clerk shall fail to pay the redemption money to the person entitled thereto upon demand, he and his sureties shall be liable for the same and 20 per cent. interest thereon annually from the time he received it until paid.

§ 44. If any sheriff or collector shall knowingly sell the same tract or parcel of land more than once for the same tax, he shall be fined one hundred dollars, and be liable upon his official bond for all damages which may be sustained by any party aggrieved.

§ 45. In all cases where only a portion of the tax is collected on State, county or district tax, the amount recovered shall be by the sheriff apportioned between the State, county or district in the same proportion the amount due to each bears to the amount recovered.

§ 46. The sheriffs or collectors shall be allowed by the Auditor of Public Accounts the following commissions upon the sums collected or accounted for or paid into the treasury in each year. Upon the first five thousand ($5,000) dollars, ten per centum, and upon the residue four per centum. He shall be allowed by the treasurer of the county ten per centum upon the first five thousand ($5,000) dollars of the county revenue collected and four per centum upon the residue: Provided, That in no case shall the aggregate annual compensation of the sheriff for official services exceed five thousand ($5,000) dollars, independent of the compensation of legally authorized deputies and assistants.

## ARTICLE IX.

### COLLECTION OF TAXES AND OTHER PUBLIC MONEY BY ACTION.

§ 1. On the return of "no property found" on an execution issued upon a judgment in favor of the Commonwealth, the Auditor of Public Accounts may cause equitable proceedings to be instituted in the Franklin Circuit Court, or any other court of competent jurisdiction, as he may elect, in the name of the Commonwealth, and the choses in action, or other equitable estate of the delinquent, shall be subjected to the payment of the amount due on any such execution. On the return of "no property found" on any tax warrant issued on the delinquent list filed by any sheriff, such sheriff may institute a like suit in the name of the Commonwealth in any court of competent jurisdiction, and the choses in action or other equitable estate of the delinquent may be collected or be subjected to the amount due on any such warrant; in such proceedings attachment may issue and other proceedings taken as is authorized on the return of "no property found" on an execution in favor of individuals. It shall be the duty of the Attorney-General, or of the Commonwealth's attorney of the district in which said action is instituted, if instituted in other than the circuit court of Franklin county, to prosecute all such suits for the Auditor, and the county attorneys of the respective counties to prosecute such suits for the sheriffs; but no action shall be maintained under the provisions of this section when the last execution or tax warrant issued has been returned "no property found" more than ten years before the institution of such suit.

§ 2. All persons or corporations against whom an

execution has been returned "no property found," and upon which an equitable action is instituted, as provided in the preceding section, shall be liable for and pay a penalty of twenty per cent. on the amount due on such execution, which penalty may be recovered in such equitable action, with the amount due on the execution, and the Attorney-General or Commonwealth's attorney who prosecutes such action and recovers the tax due the Commonwealth shall be entitled to the said penalty, or to so much thereof as may be recovered.

§ 3. Suits and motions against sheriffs, clerks, or against them or their securities on their official bonds, or their heirs, devisees or representatives, and all other persons required to pay money into the State Treasury, or to do any other act required by law to be done connected with the payment of money into the State Treasury after it has been collected, may be instituted in the Franklin Circuit Court, and prosecuted as prescribed by law.

§ 4. The Auditor shall, twenty days before the first day of the term of court, mail to any of the parties named in the preceding section who may be liable, directed to them at the postoffice at the court house of the county of the person aforesaid, a notice, in writing, stating the amount judgment will be asked for and the time the court will be held. The Auditor shall file a copy of this notice, with the name of the person to whom sent, the time when, and the place where sent, with the clerk of the court, to be filed by him and kept with the papers in the motion or action.

§ 5. The court, without further or other notice to the parties, shall proceed with the motion or action, which shall be docketed for trial on the third day of the term. The Auditor shall file with the clerk of the court a memorandum, in writing, of the name of the parties,

the amount due from each defaulter against whom judgment is demanded and also a copy of the bond, if any. The clerk shall docket said motion or action in the order in which the names stand on the said memorandum.

§ 6. Judgments, when given against the defendants, in the cases referred to in the preceding sections, shall be for the principal due, with interest at the rate of ten per centum per annum from the time the amount was due until paid.

§ 7. If any of the defendants shall, upon oath, deny the execution of the bonds or instruments whereby they are sought to be made liable, a jury, if required, shall be impaneled to try the facts. All other facts may be tried by the court. Nothing but a receipt from the Treasurer for the payment of the taxes or money claimed shall be admitted on the trial, except orders of the court and receipts in pursuance thereof, the record of the Auditor's and Treasurer's departments and delinquent list. No tender of payment nor any offset shall be pleaded or given in evidence.

§ 8. Judgments in the name of the Commonwealth or county against sheriffs and other public collectors, their sureties, or their heirs, devisees, or personal representatives, or any of them, shall bind the estate, legal or equitable, of all of the defendants to said judgments from the commencement of the action or motion till satisfied. No execution thereon shall be stayed by replevin or sale on credit; but in all such cases the estate taken in execution shall be sold for money: Provided, The Auditor is allowed, with the consent of the Attorney-General, to indorse the right to replevy on the execution where the tax is payable to the Auditor; and like privilege is given to the sheriff, with the consent of the county attorney, when the taxes are payable to the sheriff.

§ 9. If any officer shall make a false return on such

execution, he shall be fined twenty dollars, upon notice and motion, and be subjected to the payment of the whole amount of said execution and costs.

§ 10. Officers and their deputies failing to levy executions in the name of the Commonwealth or county, or withholding any such executions, and not making return thereof for one month after the return day, or failing to pay the money when collected, shall, together with their sureties, be liable for the amount of said execution, and twenty per cent. damages thereon, to be recovered by action or motion in the name of the Commonwealth by the county attorney.

§ 11. When the estate of the defendant in execution, upon judgment against defaulting public officers, is encumbered by a previous bona fide mortgage, deed of trust or other incumbrance or prior lien, the officer shall, if no other property be found upon which to levy the execution, levy it upon the incumbered property and return the same, and shall make return of all the facts known to him, or of which he is informed, giving the date and consideration of such deed, to whom made, when recorded, the evidences of any prior lien, and the names of the parties who claim the same. Proceedings may be instituted by the sheriff or Auditor in the name of the Commonwealth, in the county where the property is situated, for a sale of the property, and to have the claims and demands, if just, satisfied, and all incumbrances removed, and the proceeds of the sale of the estate rightfully applied.

§ 12. If any person shall attempt to stop or injure the sale of the estate under execution, by any fraudulent execution, conveyance, incumbrance, or otherwise, he shall be fined not less than five hundred dollars.

§ 13. If return be made on executions against a sheriff or other public defaulters to the State and their

securities, that there was no sale of personal property for the want of bidders, the Auditor may direct the estate levied upon to be removed from county to county for sale, as often as may be necessary, the cost of removal to be paid out of the sale of the estate as other costs; and the officers who levied the executions shall have power to sell the same in any county to which the estate may be removed. If real estate be levied upon, the place of sale may be changed to another county, and the officer shall have the same power and authority to sell and convey said estate which he had in the county where the levy was made.

§ 14. The Franklin Circuit Court and the circuit court of the county shall have jurisdiction of all motions and actions in law or equity necessary to be instituted by the Auditor to enable him to collect the revenue and other demands and penalties due the Commonwealth, or to have satisfaction made of judgments in favor of the Commonwealth.

§ 15. The Commonwealth may have executions in the hands of collecting officers in any number of counties at the same time.

## ARTICLE X.

### COLLECTION OF TAXES BY ATTACHMENT.

§ 1. If the sheriff, his deputy, or other persons having revenue, county levy, or other taxes of any character, or other public dues, in his hands for collection, believes another person to be indebted in money or property to the person owing taxes or public dues, and believes he can not otherwise collect the tax, he shall deliver, or cause to be delivered, to the person owing the taxes or public dues, and to the person owing him, anywhere he may be found, written notice in substance as follows:

"Mr. A B, the taxes due by C D amount to the sum of $———, ——— cents. To that extent you are notified not to pay or deliver to him any money or property which you now owe, or may hereafter be indebted to him, and to appear before the county court of ——— ——— county, on the first day of its next term, to show cause why you should not be adjudged to pay said taxes. This ——— day of ———, nineteen ———.

———, Sheriff."

§ 2. This notice shall be signed by the sheriff, his deputy or by the collector, and shall operate to enjoin the person named in it from paying the amount mentioned in the notice, money, property, notes, accounts and other things of value, owing at the time of the service of the notice, or accruing thereafter, until the matter is heard by the county court. On the hearing by the county court, the debtor of the delinquent shall be compelled to disclose, in open court, all matters of account and indebtedness, whether of money, property or labor, owing at the date of the notice, or incurred thereafter. The court shall direct the said debtor to pay or deliver to the sheriff or collector any money, property or other thing then, or at the time notice was served, due said delinquent, or to the extent of such taxes and costs, or to the extent of his liability, including such as accrued after notice, though paid or discharged; and, if it be property, the sheriff shall sell the same, after advertising by hand bill posted at the court house door for ten days. If the person so indebted to the person owing taxes fail to attend, or fail to make disclosure, the court shall render judgment against them for all the taxes.

§ 3. The person owing taxes shall not be discharged

from liability for them until they are fully paid, or the amount realized under the proceedings aforesaid.

§ 4. All persons indebted to the person owing the taxes may be included in the same notice, though residing out of the county of the sheriff or collector.

§ 5. The proceedings shall be docketed in the name of the Commonwealth and, if necessary, to the interest of the Commonwealth, the court may cause other parties to be brought in before it, and made party to the proceedings.

§ 6. The court may hear evidence, and, in its judgment, shall provide for the payment of the State revenue, the county levy due, and, if there be other taxes due, the court shall direct the payment thereof, provided that the delinquent shall have the right to defend by showing, first, that the property has never been assessed, but it shall not be sufficient to show a defective assessment merely; second, that the property is not subject to taxation; third, that the taxes have been paid.

## ARTICLE XI.

§ 1. All corporations having capital stock divided into shares organized by or under the laws of this or any other State or government owning property or doing business in this State, except foreign insurance companies, whether fire, life, accident, casualty or indemnity, foreign and domestic building and loan associations, banks and trust companies, and all corporations which, under this act or the general law, are liable to pay a franchise or license tax, shall pay to this State an annual license tax based upon its authorized capital stock, as hereinafter provided.

§ 2. For convenience in classification, corporations are divided into two classes, domestic and foreign. A

domestic corporation is one incorporated by and under the laws of this State; every other corporation is a foreign corporation.

§ 3. Domestic and foreign corporations shall pay an annual license tax of forty cents on each one thousand dollars of that part of their authorized capital stock represented by property owned and business transacted in this State, which shall be ascertained by finding the proportion that the property owned and business transacted in this State bears to the aggregate amount of property owned and business transacted in and out of this State.

Provided, That such corporations may pay at said rate upon their entire authorized capital stock; and in that event they shall not be required to report as in subdivision number three (3) of article four (4) hereof. And their failure so to report shall be deemed conclusive evidence that such corporation elects to pay upon its entire authorized capital stock, and it shall be its duty so to do, and the duty of the Board of Valuation and Assessment so to fix its license tax.

§ 4. In order to ascertain the amount of taxes due and payable under the next preceding section, by such corporations now owning property or transacting business in this State, it shall be the duty of every such corporation to file with the Auditor of Public Accounts on or before the 15th day of January, 1907, and on or before the same day annually thereafter, a written report, verified by the affidavit of the president or secretary of such corporation, showing:

1. The name of such corporation, the name of the State or government under the laws of which it is incorporated, the date of incorporation, the place of its principal office in and out of this Commonwealth, the name and postoffice address of its president and secre-

tary, the name and postoffice address of its authorized agent or attorney upon whom process may be executed, as provided by law, and the name and address of its officer or agent in charge of its business in this State.

2. The total amount of its authorized capital stock.

3. The value of the property owned and used by the company in Kentucky, where situated, and the value of the property owned and used by the company outside of Kentucky, the aggregate amount of business transacted by said company during the preceding year ending the 31st day of December, and the proportion of such business transacted in this State, and such other facts bearing on this matter as the Board of Valuation and Assessment may require.

It shall be the duty of the Board of Valuation and Assessment, from such reports and from such additional information it may require, to ascertain and fix that part of the authorized capital stock of such corporations upon which the license tax shall be based, as herein provided, and to fix the license tax of such corporations at the rate hereinbefore prescribed. The board may in any case require such additional information as it may deem necessary to enable it to perform its duties herein; and it shall be the duty of the Auditor of Public Accounts to notify every such corporation of the amount so assessed by the board. The notice may be given as provided in section 5 hereof, and it shall be the duty of the corporation to pay the amount of such tax to the Auditor of Public Accounts not later than thirty days thereafter or not later than thirty days after final action by the board, should it grant a re-hearing, which the board may grant upon application therefor, filed within thirty days after the date of such notice. Upon final action by the board, it shall certify to the Auditor

of Public Accounts the amount of such tax due from each and every such corporation.

§ 5. It shall be the duty of the Secretary of State to certify to the Auditor of Public Accounts the names and addresses of all corporations coming within the purview of this article, and also the names of their designated agent upon whom process may be executed, that now or that may hereafter appear upon the records of his office.

From such certification and from the records of his own office, it shall be the duty of the Auditor of Public Accounts to notify such corporations required to report under this article and to furnish a blank upon which to make the report, not later than December 15th in each year. Proof that such notice and blank have been deposited in the United States mail, duly stamped and addressed to the person last designated as the person upon whom process may be served, shall in all cases be deemed conclusive evidence that such notice to report had been given to such corporation.

§ 6. Domestic corporations hereafter incorporated shall not be required to pay the annual license tax in this article provided for the year in which they may be organized.

§ 7. Domestic corporations hereafter incorporated, and foreign corporations hereafter becoming the owner of property or transacting business in this State, shall make such report to the Auditor of Public Accounts in the manner provided in this article, on or before January 15th succeeding their incorporation or succeeding their becoming the owner of property, or transacting business, in this State; and shall make such report on or before said date annually thereafter. And, except as provided in section 6 of this article, such corporations shall pay the annual license tax at the rate and in the

proportion provided in section 3; and in all respects be subject to all the provisions and penalties in this article contained and prescribed.

§ 8. Any person who shall falsely make any affidavit herein required shall be guilty of false swearing and, upon conviction therefor, shall suffer the pains and penalties in such case made and provided. And any corporation which willfully violates the provisions of this article or any of such provisions, or willfully fails or neglects to perform any duty herein imposed upon it, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined any sum not less than $50.00 nor more than $1,000.00 for each offense; the same to be recovered by penal action or by indictment in the circuit court of Franklin county; and every such judgment of conviction for failure to report or for failure to pay the annual license tax required, shall also provide that the right to be a corporation and to exercise the rights and franchises of a corporation in this State, shall be suspended until the fine and costs and all taxes and penalties due the State shall be paid or replevied, or the judgment superseded. Every corporation failing to pay its taxes as provided in this article within the time herein prescribed shall be deemed a delinquent, and a penalty of ten per centum on the amount of such tax shall attach, and thereafter such tax shall bear interest at the rate of ten per centum per annum, the same to be collected in the same manner and by the same process as the tax is collected.

§ 9. No corporation required to pay an annual license tax under this article shall pay a less sum therefor than ten dollars.

## ARTICLE XII, SUBDIVISION 1.

§ 1. All license, except as otherwise specially provided, shall be granted by the clerk of the county court of the county in which the business is proposed to be conducted, and shall be issued in writing and on blank form, with stubs and duplicates attached to each, to be numbered consecutively, and to be prepared by the Auditor of Public Accounts and furnished to each county clerk, from time to time, as may be necessary for use in his office.

§ 2. The following shall be the form of license, duplicates and stubs, as herein required:

Stub No. ——. $——.

License issued to ——, by which —— is authorized to ——, until the —— day of ——, 19—. Amount of tax, $——, issued this day of ——, 19—.

Clerk —— County Court.

.....Perforated line.....

Duplicate No. ——. $——.

This is to certify that, on the —— day of ——, 19—, license was granted to ——, by which —— was authorized to —— until the —— day of —— 19——, on the payment of $—— to me.

This, the —— day of ——, 19—.

Clerk —— County Court.

.....Perforated line.....

Original No. ——.

This is to certify that on the —— day of ——, 19—, license was granted to ——, by which —— is authorized to —— until the —— day of ——, 19—.

This, the —— day of ——, 19—.

Clerk —— County Court.

§ 3. License shall not confer any authority on any person to engage in the business or sell the article

named in the license on Sunday, or on any other day on which the law may prohibit the business or sale.

§ 4. No person shall be granted any license to conduct any business or sell any article for which a license tax is required, who has engaged in such business, or has sold any article without license within six months next preceding the time the application is made, who will not, in addition to the regular license tax, pay a sum equal to twenty per cent. thereof; nor shall license be granted to any person who refuses to answer, under oath, which shall be administered by the clerk at the time the application is made, whether he or his agent have, within six months next before the time of the application been guilty of engaging in such business, or selling such articles without license therefor, and any person making a false statement on such examination shall be deemed guilty of false swearing.

§ 5. The Auditor of Public Accounts shall keep a strict account against each county clerk of the bank licenses furnished them respectively, and it shall be the duty of each clerk, when he shall have used all the blanks furnished by the Auditor at any one time to transmit to the Auditor all stubs of such blanks; and, on the retirement from office of any county clerk, he shall transmit to the Auditor all blanks not used by him, together with all stubs of blanks which have been used.

§ 6. When such license is granted, the county clerk shall fill up the original stub. The original he shall deliver to the person to whom it is granted, and shall, within two days thereafter, forward the duplicate to the Auditor of Public Accounts, who shall charge the amount of the tax to him, and the clerk shall, once in each month, pay the license tax collected into the State Treasury; and said clerk, as compensation for his ser-

vices, shall be allowed five per cent. commission on all license tax collected and accounted for by him.

§ 7. No clerk shall issue any license except on blanks furnished to him by the Auditor of Public Accounts, and under the seal of the court; nor shall any license be granted for a longer term than one year, nor for a less period, except as hereinafter provided; nor shall any license be transferable, except as provided herein.

§ 8. No license shall be valid or confer any authority unless the same be issued on blanks furnished for that purpose by the Auditor of Public Accounts.

§ 9. All applicants for license, except itinerants and as otherwise provided, shall state the county, city, town and place therein where it is proposed to carry on the business, and all licensees, except as hereinbefore provided, shall specify the place where the business is to be conducted, and no one but the person named in the license shall sell under or exercise the privilege granted, unless as otherwise provided; nor shall the privilege granted be exercised at any other place than that mentioned in the license; except that retail dealers in spirituous, vinous or malt liquors, in any incorporated city or town, may remove their place of business to some other place in the same city or town, by the consent of the county court and municipal authorities of such town or city, entered of record and indorsed on the license. But before making the motion for the consent for the removal, the applicant must give notice of the motion, as required, before the license is granted. But when the place is once changed, the party shall not be allowed to change the location a second time, or sell at the original place without first procuring a license. Whenever any person to whom the license has been granted, and who has paid the tax thereon, shall die, or sell his

stock or place of business before the expiration of the license, the authorities by which such license was originally granted may renew the license to the personal representative or widow of the deceased, or purchaser of the stock or place of business, without the payment of any additional tax for the unexpired period. The application for the renewal and the granting thereof shall be in the same way, and be subject to the same conditions as original license, except that the renewal, when granted, shall be endorsed on the license as originally granted.

§ 10. Selling, bartering or loaning liquors in quantities of less than five gallons shall be deemed retailing.

§ 11. All license granted by the county court shall be issued by the county clerk, for which he shall be entitled to the same fees as in cases where he is authorized to grant the license.

§ 12. Any person who shall engage in any business, or sell or offer to sell, any article on which a license is required, before procuring the license and paying the tax thereon, as required by law, shall be deemed guilty of a misdemeanor and, on conviction, be fined not less than fifty nor more than one thousand dollars for each offense unless otherwise specially provided.

§ 13. Any county clerk who shall violate any provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction, be fined not less than fifty nor more than one thousand dollars for each offense.

§ 14. All itinerant persons doing business under a license for more than one county, before doing business in any other county than that in which the license is granted, shall present his license to the county clerk of such other county, who, upon being satisfied of its genuineness, shall indorse the word "genuine" and affix his

official signature thereto. A failure to have the license so indorsed before doing business or offering so to do, or the failure to exhibit the license for inspection by an officer authorized to inspect same, when demanded, shall subject the person so offending to the same penalty as though he had done such business without license. For such examination of the license, the clerk shall be paid by the holder a fee of twenty-five cents.

SUBDIVISION 2.

§ 1. All licenses mentioned in this article, except licenses to sell by retail, spirituous, vinous or malt liquors shall be granted by the county clerk, except as otherwise specifically provided for; and license to sell by retail spirituous, vinous or malt liquors shall be granted by the county court; but the county court shall not grant a license to sell spirituous, vinous or malt liquors until ten days' notice shall be given by posting a written or printed notice at the door of the court house, and at least four public places in the neighborhood where the liquor is to be sold; and if the majority of the legal voters in the neighborhood shall protest against the application, it shall be refused. The county court in each instance shall determine what constitutes the neighborhood. Nor shall such license be granted to any person of bad character, or who does not keep an orderly, law-abiding house.

§ 2. It shall be unlawful for any person to whom a license is granted as contemplated in this subdivision, to suffer any gaming, scandals or disorderly conduct in their houses or on their premises, or to furnish any liquor to any person who is drunk, or who is a known inebriate, or who is under twenty-one years of age, or to sell any liquor on Sunday, or any other day the law may prohibit the sale thereof; and on trial of any per-

son by the county court on a proceeding to cancel license, the fact that a person was in a state of intoxication in a house where liquor is sold shall be prima facie evidence that he was furnished liquor while drunk by the proprietor of the house.

§ 3. License to merchants, druggists or distillers shall be granted only upon satisfactory evidence that the applicant is in good faith a merchant, druggist or a distiller, and that the applicant has not assumed the name or the business for the purpose of retailing liquors; and such license shall only authorize the person to sell the liquor named in the license in quantities not less than a quart, and to be taken off and not drunk on the premises where sold, or adjacent thereto, except druggists may retail in quantities less than a quart for medical purposes only, on the prescription of a regular practicing physician.

§ 4. License to keep a tavern outside of an incorporated city or town shall be granted only to persons who are prepared with houses, bedding, stabling and provender sufficient to accommodate the public, and shall not be granted to any one unless the keeping of a tavern at the place proposed is necessary for the accommodation of the public, nor until the applicant shall take an oath, in open court, that he in good faith intends to keep a tavern for the accommodation of the public.

§ 5. Every person who shall obtain a license to keep a tavern, with the privilege of retailing liquors, shall, at the time the same is granted, enter into bond, with good surety, payable to the Commonwealth, to be approved by the county court, in substance as follows:

Whereas, A B has been granted license to keep a tavern at ——, in —— county, now we, A B, principal, and C D, his surety, do hereby covenant to and with

the Commonwealth of Kentucky, that the said A B shall continually provide said tavern with good, wholesome, cleanly lodging and diet for the patrons thereof, and stabling and provender for horses and mules, during the period that the license remains in force; and that he will not suffer any gaming, scandalous or disorderly behavior in his house, and that he will not sell or give any liquor to any person who may be drunk, or to any person who is a known inebriate or who is under twenty-one years old. The provision as to providing stabling and provender for horses and mules shall only apply to taverns to be kept outside of an incorporated city or town. Given under my hand this —— day of ——, 19—.

§ 6. Any tavern keeper who shall violate the provisions of his bond, or any tavern keeper, merchant, distiller or druggist who shall violate any provision of this article, shall forfeit his license; and when the county attorney shall have reasonable grounds to believe either upon his own knowledge or from the oath of two credible witnesses of such violation he shall notify the alleged offender to appear before the next term of the county court, commencing not later than five days after the services of the notice, to show cause why his license should not be canceled. On the trial of the case, the court shall enter an order cancelling the license or acquit the defendant, as the proof may authorize.

§ 7. Any person who shall sell any liquor after his license has been canceled, until such order be reversed or set aside, shall be deemed guilty of selling without license, and, on conviction, be punished accordingly.

§ 8. The county attorney shall prosecute all cases arising under the provision of this article; and in cases in which the license is canceled he shall be allowed a

fee of ten dollars, to be taxed as cost against the defendant in each court in which the case may be tried.

§ 9. An appeal may be prosecuted by the county attorney or the defendant to the circuit court from any decision of the county court under this article; but the order of the county court shall not be suspended until reversed by the circuit court. Where the appeal is taken by the county attorney an appeal bond shall not be required.

§ 10. In such cases the court shall be the judge of the law and the facts, and no jury shall be required.

§ 11. Any person whose license has been canceled shall not be granted another license for twelve months thereafter.

§ 12. License to sell liquor in quantities less than a quart outside of an incorporated city or town shall not be granted to any person except a licensed tavern keeper, or to a druggist to sell for medical purposes only, on prescription of a regular practicing physician.

SUBDIVISION 3.

§ 1. All persons who are by this article deemed peddlers shall, before the sale, or attempted sale of any article, as herein contemplated, procure and pay for license as required by law; and any peddler who shall violate the provisions of this section shall be deemed guilty of peddling without license, and punished accordingly.

§ 2. All itinerant persons vending lightning rods, goods, wares, merchandise, clocks, watches, jewelry, gold, silver or plated ware, spectacles, drugs, nostrums, perfumery, and any other thing not hereinafter specially exempt, shall be deemed peddlers.

§ 3. All persons who shall, under cover of bona fide

merchants, come into or take up a temporary residence in any county, city or town of this Commonwealth, for the purpose of disposing of any goods, wares or merchandise, either at auction or otherwise, except as hereinafter specially provided, shall also be deemed peddlers; and every such person, upon applying for license, shall be required to disclose, upon oath, his name and residence and the ownership of the goods, wares or merchandise he purposes disposing of, together with the names and residence of such other person or persons as may own or be in any manner interested in said goods, wares or merchandise, or on whose behalf it is purposed to dispose of same, and whether the applicant for license acts in his own right or as agent for others, and his statement shall be entered of record; and if any such person shall advertise, represent, state, or in any manner hold forth the purposed disposition of said goods, wares or merchandise as an insurance, bankrupt, assignee's or closing-out sale or as a sale of any goods, wares or merchandise damaged by smoke, fire, water or otherwise, or shall make any similar advertisement, representation or statement, he shall be required to file his affidavit and the affidavit of at least two other persons, showing same, together with a detailed statement of all the facts regarding same, and it shall be the duty of the court, before granting any license to such applicant, to examine him concerning his purpose with regard to the disposition of said goods, wares or merchandise, and to ascertain whether he has made or intends to make any such advertisement, representation or statement concerning his purposed disposition of same. Any false statement by any applicant for license under this section shall be deemed false swearing, and any person so offending shall be punished accordingly.

§ 4. No person shall be deemed peddlers under sections 2 and 3 of subdivision 3 of this article for selling tinware, agricultural implements, sewing machines, portable mills, books, pamphlets, papers, meat, stoneware, or farm or garden products, nor merchants nor their agents, for selling by sample, but nothing herein shall exempt itinerant persons selling agricultural implements from paying license under this law.

§ 5. County courts shall have exclusive jurisdiction to grant peddlers' license. Before any such license shall be granted, the applicant shall prove in open court, by at least two credible witnesses, that the applicant is a person of a good moral character, which fact, when so proven, shall, with the name, age, character, weight, height, color of hair and eyes of the applicant, be entered of record; and thereupon the court shall, by its order, direct the clerk, on the payment of the fees and cost, to issue the license and affix his official seal thereto, and on the back of which he shall write the description of the person to whom the license is granted, as contained in the order, and shall attest the same.

§ 6. Before peddling in any other county than that in which the license is granted, the peddler shall present his license to the county clerk of such other county, who, upon being satisfied of its genuineness, shall endorse the word "genuine," and affix his official signature. A failure to have the license endorsed "genuine" by the clerk before selling, or offering to sell, or the failure to exhibit the license for inspection by an officer authorized to inspect same when demanded, shall subject the peddler to the same penalty as though he had peddled without license. For examining the license and making the endorsement, the clerk shall be entitled to a fee of twenty-five cents.

§ 7. No peddlers' license shall give authority to

more than one person to peddle under it. Nor shall any person to whom it is granted sell by an agent or clerk, or in any other way than his own proper person. But all clerks or agents shall procure separate license.

§ 8. All peace officers, county judges and county attorneys are given authority to demand of all persons peddling or assisting a peddler, the production of their license for examination.

§ 9. All notes given for articles by a peddler shall have written or printed across the face the words, "peddlers' notes." To such notes all defenses may be made as against the original holder, whether the same be placed upon the footing of a bill of exchange or not; and all contracts for articles by a peddler without license, and all notes given for such articles not having the endorsement across the face as hereinbefore provided, shall be null and void.

## SUBDIVISION 4.

§ 1. Before engaging in any occupation or selling any article named in this subdivision of article 11 of this act, the person desiring to do so shall procure license and pay the tax thereon as follows:

To keep a tavern or hotel with twenty-five rooms or more, ten dollars.

To keep a tavern or hotel, with privilege of selling by retail malt liquors, eighty-five dollars.

To keep a tavern or hotel, with privilege of selling by retail spirituous and vinous liquors, one hundred and sixty dollars.

To keep a tavern or hotel, with privilege of selling by retail spirituous, vinous and malt liquors, two hundred and ten dollars.

To retail malt liquors, seventy-five dollars.

To retail spirituous and vinous liquors, one hundred and fifty dollars.

To retail spirituous, vinous and malt liquors, two hundred dollars.

To selling by retail playing cards, ten dollars.

To selling by retail pistols, one hundred dollars.

To selling by retail bowie knives, dirks, brass knucks or slung shots, one hundred dollars.

To engage in the business of a pawn broker, five hundred dollars.

That all resident or foreign stamp companies or corporations doing business in this State shall annually pay a license tax to the county court clerk of each county wherein such business is conducted, five hundred dollars.

A trading stamp company is defined to be a company that gives premiums of valuable personal property in exchange for stamps or checks furnished to purchasers of merchandise.

To the keeper of a nine pin or ten pin or bowling or boxball alley or other similar contrivance for the use of which a price is charged, fifteen dollars, if the population of the county exceeds twenty-five thousand; if under that number, ten dollars, and the same rate for each alley or ballway.

To persons who are distillers of spirituous liquors in good faith, to retail spirituous liquors of their own manufacture at their distillery, or own warehouse, but shall only sell at one of said places, and that must be named and designated in the license, in quantities of not less than one quart, the liquor not to be drunk on the premises, or adjacent thereto, one hundred dollars.

To persons who are manufacturers of vinous liquors in good faith, and distillers of peach and apple brandy, to retail liquors of their own manufacture at the place

of manufacture or distillery, in quantities not less than a quart, and not to be drunk on the premises, or adjacent thereto, seventy-five dollars.

To persons who are merchants in good faith, engaged in carrying on a bona fide mercantile business other than the sale of liquor by retail, to retail spirituous liquors at their store houses in quantities not less than a quart, not to be drunk on the premises, or adjacent thereto, one hundred dollars.

To persons who are druggists in good faith, to retail spirituous and vinous liquors at the drug stores in quantities not less than a quart, the liquor not to be drunk on the premises, or adjacent thereto, and to sell in quantities less than a quart, for medicinal purposes only, on the prescription of a regular practicing physician, one hundred and fifty dollars.

Circuses, menageries and like exhibitions displayed under canvas, one dollar for each one hundred voters of the county in which the exhibition is given, and the same amount for each separate exhibition to which an admission fee is charged, but the whole amount of the tax shall not exceed fifty dollars for each exhibition; and each side show, where a separate fee is charged, shall pay a tax equal to one-half the amount of tax paid by the main circus or principal performance.

That all foreign corporations, associations, co-partnerships, firms or other persons engaged in the business or occupation of owning or operating slaughter houses, packing houses or manufacturing establishments wherein live animals, such as beeves, hogs, sheep, chickens, turkeys, ducks, or other animals or fowls or fish, if prepared or manufactured for food for man or beast, in whole or in part, and doing business in this State, or selling to or through brokers, jobbers, firms, traveling salesmen or on contract or through mail orders to per-

sons in this State, shall pay a license tax therefor of fifty cents on each one hundred dollars of the gross amount received, in cash or otherwise, on sales made in this State.

It shall be the duty of each foreign dealer doing such business in this State to make and deliver to the Auditor of Public Accounts, on the 31st day of December, 1906, and at the end of each six months, or within twenty days thereafter, a statement, sworn to, of the amount of the gross sales of the six months then ending, and pay into the treasury the taxes due thereon. Any dealer liable for such taxes, refusing or failing to make and deliver such report and pay the taxes as herein required, shall be deemed guilty of misdemeanor and, upon conviction, fined not less than five hundred dollars or more than one thousand dollars for each offense, to be recovered by indictment in the Franklin Circuit Court.

To selling by retail cigarettes or cigarette paper, whether the cigarette paper be sold or given away, attached to packages of tobacco, or thrown down, or away, or so placed as to put the parties in possession of same by artifice or trick, ten dollars per annum.

To each resident wholesale dealer or jobber of cigarettes, one hundred dollars per annum.

To selling by retail, petroleum, lubricating or other oil, for each wagon used in transporting or retailing such oils, fifteen dollars for each county in which each wagon is so used.

To stand a stud-horse, jack or bull, a sum equal to the greatest sum charged for the service of the animal, whether the same be for the season or for insurance. The license for breeding stock shall expire on the thirty-first day of December after it is granted. The applicant for such license shall state on oath, the largest amount he intends to charge, directly or indi-

rectly, for the service of the animal, and if in property or other things, the value thereof. If any such animal be purchased or brought into the State, or from one county to another, by a citizen of this State, between the first day of July and the first day of December in any year, the tax on the license until December the thirty-first, after the purchase or removal, shall be in proportion to the annual tax as the time for which the license has to run bears to the whole year. All persons making application for such reduced license shall make and file with the clerk an affidavit, stating when the animal was brought into the State or another county, and the name of the owner or owners and their place of residence.

Peddlers shall, except as hereinafter provided, pay for peddling in the entire State any of the articles on which a license tax is required by law, the following: One person with two-horse wagon, fifty dollars; one person with one-horse wagon, forty dollars; one person on horseback, thirty dollars; one person on foot, who carries on or about his person the article he proposes selling, or each person who may accompany a peddler with a wagon, twenty dollars; each person, who, under cover of a bona fide merchant, has come into, or taken up a temporary residence in any county, city or town of this Commonwealth, for the purpose of disposing of goods, wares or merchandise, either at auction or otherwise, and who does not carry about from place to place on his person the goods, wares or merchandise he proposes disposing of, one hundred dollars; and for each person assisting such peddler as clerk or employe, one hundred dollars. For the right to peddle in any one county in this State, each person applying therefor shall pay one-fourth as much as is required of such person for the whole State.

ANIMALS, EXHIBITION OF, TRAINED.

On each exhibition of trained animals, not being a circus or menagerie, for each day or part of a day exhibited for fee charged or collected, five dollars.

AUCTIONEER.

On each auctioneer in each city, town or village, five dollars. Same in each county not residing in city, town or village, and not doing business in city, town or village, five dollars.

BILLIARD TABLES.

On each billiard table or pool table where a fee is charged and collected, directly or indirectly, twenty dollars. Where more than one table is kept for use, five dollars for each additional table.

BILL POSTERS.

On each person engaged in posting, distributing or tacking bills, placards (or other printed matter) for hire, other than those employed by resident merchants, owners, lessees or managers of theaters and opera houses, or candidates for political office, in advertising their respective business, ten dollars.

On each wharfboat, ten dollars.

BOTTLING ESTABLISHMENTS.

On each establishment for the bottling of proprietary and soft drinks, twenty-five dollars.

BROKERS AND COMMISSION MERCHANTS.

On each corporation, individual or firm, except banks and trust companies, whether resident in this State or not, engaged in buying or selling notes, bonds, stocks or other securities, twenty-five dollars.

On each broker or commission merchant, other than a liquor broker, twenty-five dollars.

CANE RACKS.

On each cane rack, knife rack, artful dodger, ring board or similar contrivance, by whatever name called, kept or operated for profit, for each county, five dollars.

COMMERCIAL AGENCIES.

Each and every person, partnership or corporation having representatives in this State, who engage in the business of inquiring into and reporting upon the credit and standing of persons engaged in business in this State, shall pay a license tax of one hundred dollars. Any person having such license shall print in his letter head a statement of the fact. The payment of the tax shall be made direct to the Auditor, and his receipt therefor shall exempt the company or party carrying on said business from the payment of such tax in any county, and payment of such tax shall not be required of any sub-agent or correspondent of the party for the company carrying on said business in this State; and any such person acting as correspondent or sub-agent of such agent or company, and who shall transact any business, make report to such company, whether within or without this State, without the party or company having first paid the tax herein provided, shall be liable to all penalties for carrying on the business without paying the tax.

EXHIBITIONS.

On each show, exhibition, concert or other performance where a fee is charged or collected, and not devoted exclusively to religious, benevolent or educational purposes, and not in a licensed hall, five dollars.

FEATHER RENOVATORS.

On each feather renovator in each county where operated, ten dollars.

FERRIES.

On each steam ferry operated in this State, in whole or in part, in any stream, not paying a franchise tax, twenty-five dollars.

Fortune tellers, clairvoyants and palmists: In each county, twenty dollars.

Hack lines: On each regular hack, stage, or automobile line for public use, operated for not less than one month, and where a fare is charged and collected, ten dollars.

Ice factories: On each ice factory of a capacity of five tons or less per day, fifteen dollars.

Same of not more than ten tons per day, twenty dollars.

Same of not more than fifteen tons per day, twenty-five dollars.

Same of more than fifteen tons per day, thirty dollars.

Laundry (steam): On each steam laundry, ten dollars.

Lightning rod agents: On each lightning rod agent in each county, fifty dollars.

Merry-go-round: On each merry-go-round or like contrivance, ten dollars in each county.

Oleomargarine dealer: On each dealer in oleomargarine or similar manufactured butter, five dollars.

PATENT MEDICINE.

On each person, firm or corporation selling patent medicine, except a merchant or druggist selling from his place of business, one hundred dollars. On each transient vendor or trader of patent, secret or proprietary medicines or nostrums, by whatever name called, whether traded or sold by another or otherwise, in each county, one hundred dollars.

PHOTOGRAPH GALLERIES.

On each photograph, tin type, open air or tent gallery, set up in, or outside of any city or town in each county, five dollars.

PIANO AND ORGAN AGENTS.

On each agency for the sale of pianos and organs, for each county, five dollars, and where the pianos and organs, one or both, are stored for sale, the privilege shall be paid, though the said property be assessed ad valorem for taxes; and the person having charge of the same shall be deemed the agent and liable for the taxes.

RAILROAD EATING HOUSES.

On each railroad eating house, five dollars.

RESTAURANTS.

On each restaurant in any city or town, five dollars.

REAL ESTATE AGENTS.

On each real estate agent in cities of the first, second and third class, twenty-five dollars. Same in each city or town of the fourth, fifth and sixth class, ten dollars.

SEWING MACHINE AGENCY.

On each agency for sewing machines, employing one agent, for each county, ten dollars. On each additional agent for sewing machines, each county, five dollars.

SHOOTING GALLERY.

On each shooting gallery, each county, five dollars.

SODA FOUNTAINS

On each soda fountain, two dollars and fifty cents. On each person or firm, except a licensed saloon, selling soda water or proprietary or soft drinks or other

natural or mineral waters not from a fountain, two dollars and fifty cents.

PICTURE ENLARGEMENT.

On each solicitor or agent for the enlargement of pictures, or solicitors for picture frames or pictures, each county, five dollars.

THEATERS.

On each theater or opera house for public exhibitions or performances in cities of the first class, forty dollars; in cities of the second class, twenty dollars; in cities of the third class, fifteen dollars; in cities of the fourth, fifth and sixth class, ten dollars.

VENDOR OF SPECTACLES AND JEWELRY.

On each transient vendor of spectacles or jewelry, whether offered for sale in the store of a licensed merchant or not, each county, ten dollars.

VENDORS OF STOVES AND RANGES.

On each transient vendor of iron or steel ranges or stoves in each county, twenty dollars.

SKATING RINKS.

On each skating rink or room or place run for hire or profit as follows: In cities of the first class, seventy-five dollars; in cities of the second class, fifty dollars; in cities of the third class, twenty-five dollars; in cities of the fourth class, ten dollars; in cities and towns of the fifth and sixth class, five dollars.

WHOLESALE LIQUOR DEALERS.

That all corporations, associations, companies, copartnerships, or individuals, citizens (except distillers selling straight whiskies or brandies of their own make)

of, or residing in this State engaged in the business or occupation or compounding, rectifying or blending distilled spirits, or selling by wholesale in the usual course of trade distilled spirits, or selling by wholesale compounded, rectified or blended spirits known and designated as single stamp spirits, shall annually pay to the State a license therefor. That all foreign corporations, associations, companies, co-partnerships, or individuals engaged in the business or occupation of selling by wholesale in this State in the usual course of trade distilled spirits, or rectified, blended or compounded spirits known and designated as single stamp spirits, shall annually pay to the State a license tax therefor. That all corporations, companies, associations, co-partnerships, or individuals, citizens of, or residing in this State and engaged in the business or occupation of owning or operating breweries, shall annually pay a license tax to the State therefor. That all foreign corporations, associations, companies, co-partnerships or individuals engaged in the business of selling by wholesale in this State, in the usual course of trade, beers or malted liquors, shall annually pay a license tax to the State therefor as hereinafter specifically provided for. That all corporations, associations, companies, co-partnerships, or individuals, citizens of, or residing in this State and engaged in the business of selling by wholesale, in the usual course of trade, wines, ales, mineral waters or any vinous liquors, shall annually pay to the State a license tax therefor. That all foreign corporations, associations, companies, co-partnerships or individuals engaged in the business of selling in this State by wholesale or to jobbers in the usual course of trade, wines, ales, mineral waters, or vinous liquors, shall annually pay a license tax to the

State therefor. The license taxes imposed shall be as follows, viz.:

For each resident wholesale dealer of distilled spirits or rectified, blended or compounded single stamp spirits, whose sales for the year ending June 30th, 1906, and on same date of each year thereafter, have in the aggregate been five hundred barrels or less, one hundred dollars.

For each resident wholesale dealer of distilled spirits or rectified, blended or compounded single stamp spirits, whose sales for the year ending June 30th, 1906, and on the same date of each year thereafter, have in the aggregate been over five hundred barrels and less than one thousand barrels, two hundred dollars.

For each resident wholesale dealer of distilled spirits or rectified, blended or compounded single stamp spirits, whose sales for the year ending June 30th, 1906, and on the same date of each year thereafter have been in the aggregate one thousand barrels or more, three hundred dollars.

For each foreign wholesale dealer of distilled spirits or rectified, blended or compounded single stamp spirits, whose sales in this State for the year ending June 30th, 1906, and on the same date of each year thereafter, have been in the aggregate five hundred barrels or less, one hundred dollars.

For each foreign wholesale dealer of distilled spirits or rectified, blended or compounded, single stamp spirits, whose sales in this State for the year ending June 30th, 1906, and on the same date of each year thereafter, have been over five hundred barrels and less than one thousand barrels, two hundred dollars.

For each foreign wholesale dealer of distilled spirits or rectified, blended or compounded single stamp spirits, whose sales in this State for the year ending June thirtieth, one thousand nine hundred and two, and on the

same date of each year thereafter, have been in the aggregate of one thousand barrels or more, three hundred dollars.

For each brewery in this State, two hundred dollars.

For each agency in this State established by resident brewers or resident wholesale dealers in domestic beer or malted liquors, twenty-five dollars.

For each foreign brewer doing business in this State, two hundred dollars.

For each agency established and operated in this State by a foreign brewer or foreign wholesale dealer or jobber of any foreign beers or malted liquors, twenty-five dollars.

For each resident wholesale dealer of wines, ales or any vinous liquors, two hundred dollars: Provided, That in the event a resident wholesale dealer of wines, ales, or any vinous liquors, is also a wholesale dealer of rectified, blended or compounded single stamp spirits or of straight distilled spirits, but one license tax shall be paid, and which shall not be less than three hundred and fifty dollars.

For each broker or commission merchant selling straight whisky, and who do not handle the same, one hundred dollars.

Each resident and foreign wholesale dealer in distilled spirits, blended or compounded single stamp spirits, doing business in this State, shall annually on or before the 10th day of July, file with the Auditor of Public Accounts a report, stating his name, principal place of business and the number of barrels of spirits sold for the year ending June 30th of each year and pay into the State Treasury tax for the preceding year based upon the amount of business done during the preceding year. Any corporation, association, company or co-partnership or individual liable for tax provided

for, and who shall fail to make the report required and pay license tax into the State Treasury as required, shall be deemed guilty of a misdemeanor and, upon conviction, be fined not less than one hundred dollars nor more than five hundred dollars for each offense, to be recovered upon indictment in the Franklin Circuit Court.

Every corporation, association, company, co-partnership or individual engaged in this State in the business or occupation of compounding, rectifying, adulterating or blending distilled spirits, known and designated as single stamp spirits, shall pay to the Commonwealth of Kentucky a license tax of one and one-half cent upon every wine gallon of such compounded, rectified, blended or adulterated distilled spirits.

It shall be the duty of each corporation, association, company, co-partnership or individual engaged in this State in the business or occupation of compounding, rectifying, adulterating or blending distilled spirits, known and designated as single stamp spirits, to make and deliver to the Auditor of Public Accounts, on the 30th day of June, 1906 (or within ten days thereafter), and at the end of each six months thereafter, a report sworn to, stating his name, place of business and the number of gallons, standard measure, of compounded, rectified, adulterated or blended distilled spirits, known and designated as single stamp spirits, made during the six months then ended, and at the same time pay into the State Treasury, through the Auditor, the amount of taxes due the State, as imposed by the last preceding sections.

Before any corporation, association, company, co-partnership or individual shall engage in the business or occupation of compounding, rectifying, adulterating or blending, in this State, he shall notify the Auditor of Public Accounts of his intention to engage in such busi-

ness or occupation. The notice shall contain the name and place of residence of such corporation, association, company, co-partnership or individual and the approximate number of wine gallons of such compounded, rectified, adulterated or blended spirits the applicant contemplates making prior to the first date at which he is required to report the number of gallons made to the Auditor of Public Accounts under this act.

Upon receipt of such notice by the Auditor of Public Accounts, he shall issue to such applicant a certificate, showing that he has complied with this act. Any corporation, association, company, co-partnership or individual, who shall engage in the business of compounding, rectifying, adulterating or blending distilled spirits, known and designated as single stamp spirits, without first receiving said certificate herein provided for from the Auditor of Public Accounts, shall be guilty of a misdemeanor and subject to indictment in the Franklin Circuit Court and fined any sum not less than five hundred dollars nor more than two thousand dollars.

Upon the payment of the license tax to the treasurer, through the Auditor of Public Accounts, as provided in this article, the Auditor of Public Accounts shall issue to such corporation, association, company, co-partnership or individual, authority to continue in the business or occupation of compounding, rectifying, adulterating or blending distilled spirits known and designated as single stamp spirits, if such authority is desired, for six months or until the date provided for in this act when reports are to be made.

Any compounder, rectifier or blender liable for the taxes imposed by this act, or embraced by its provisions, who shall fail or refuse to make and deliver to the Auditor of Public Accounts a sworn report, as required by

section 2 of this article, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than five hundred nor more than two thousand dollars for each offense, to be recovered by indictment in the Franklin Circuit Court, and shall forfeit his right to engage in said business.

All license taxes imposed shall be paid into the State treasury on or before the 10th day of July of each year, and upon payment of such taxes the Auditor of Public Accounts shall issue receipt to the person paying same, and issue a license in proper form authorizing the person to engage in the business for which the tax was paid, which license shall be conspicuously posted at his principal place of business in this State. Duplicates of the receipts showing payment of license tax and expiration thereof shall be furnished by each foreign dealer having no office in this State to each salesman traveling and operating in this State.

Any foreign corporation, association, company, copartnership or individual, who shall, in the usual course of trade sell in this State distilled spirits, or rectified, blended or compounded single stamp spirits or wines, ales, mineral waters, or any vinous liquors or beers or malted liquors, either upon orders from citizens of this State or through resident agents or through traveling salesmen, shall, for the purpose of the act, be deemed doing business in the State of Kentucky and shall be liable for the license tax imposed and all penalties provided for by law for failure to pay such taxes.

In the event any foreign dealer who shall do business in this State but fail or refuse to pay the license tax imposed, it shall be the duty of any revenue agent in this Commonwealth to file the information with the county court wherein such business may have been

transacted and the county court shall have due investigation made in accordance with the information and facts furnished by the revenue agent and shall assess the tax against such foreign dealers together with twenty per cent. penalty due to the revenue agent for his services and it shall be the duty of such revenue agent to ascertain whether or not such foreign delinquent has any property in this State and may attach the same in the name of the Commonwealth in any court of competent jurisdiction without being required to execute attachment bond, and collect and pay into the State Treasury any license tax due by such delinquent.

Any person or corporation who shall purchase lands sold for taxes due this Commonwealth, as provided in this chapter, shall be deemed a tax-broker whenever the amount of such purchases shall aggregate five hundred dollars, and shall, within fifteen days after the said sale, procure a license as such from the Auditor of Public Accounts. Such tax brokers shall pay for said license an amount equal to fifteen per centum of the aggregate amount of the purchases made by him, and the sales to him shall not become effective until said license shall have been procured. No claim shall be allowed by the Auditor to such purchaser for defects of title, errors or assessment or otherwise.

Any person or corporation who shall fail to procure the license as hereinabove required, or violates any of the above provisions, shall on conviction, be fined not less than twenty-five nor more than one hundred dollars for each offense.

## ARTICLE XIII.

## ORGANIZATION TAX.

§ 1. Every corporation which may be incorporated by or under the laws of this State, having a capital stock divided into shares, shall pay into the State Treasury one-tenth of one per centum upon the amount of capital stock which such corporation is authorized to have, and a like tax upon any subsequent increase thereof. Such tax shall be due and payable on the incorporation of the company and on the increase of the capital stock thereof, and no such corporation shall have or exercise any corporate powers until the tax shall have been paid, and upon payment it shall file a statement thereof with the Secretary of State.

## SUBDIVISION 2.

### FOREIGN LIFE AND INDUSTRIAL COMPANIES.

§ 1. Every life insurance company, other than fraternal assessment life insurance companies, not organized under the laws of this State, but doing business therein, shall on the first day of January in each year, or within thirty days thereafter, return to the Auditor of Public Accounts for deposit in the insurance department a statement under oath of all premiums receipted for on the face of the policy for original insurance and all renewal premiums received in cash or otherwise in this State, or out of this State, on business done in this State during the year ending the 31st day of December, and no deductions shall be made for dividends, or since the last returns were made, on all premium receipts, which shall include single premiums, annuity premiums, and premiums received for renewal, revival

or reinstatement of policies, annual and periodical premiums, dividends applied for premiums and additions, and all other premium payments received during the preceding year on all policies which have been written in, or on, the lives of residents of this State, and shall at the same time pay into the State Treasury a tax of two dollars upon each one hundred dollars of said premiums as ascertained. Every life insurance company not organized under the laws of this State, but doing business therein on what is known as the industrial insurance plan, whereby weekly premiums are collected, shall at the same time make a return to the Auditor of Public Accounts for deposit in the Insurance Department, a statement under oath of all premiums received on insurance written exclusively on the industrial plan, and shall at the same time pay into the State Treasury a tax of two dollars upon each one hundred dollars of said premiums as ascertained. Any insurance company mentioned in this section doing insurance business other than on the industrial plan, shall make reports and pay into the State Treasury the taxes due thereon under each report.

SUBDIVISION 3.

§ 1. Every foreign building and loan association or company doing business in this State, on or before the first day of July in each year, shall pay into the State Treasury two dollars on each one hundred dollars of the gross receipts of such company or association on business done in this State during the twelve months next preceding the first day of July of the same year the statement is required.

§ 2. Any corporation, company or association failing to comply with section 1 of this subdivision shall

be deemed guilty of a misdemeanor and, on conviction, be fined fifty dollars for each day the amount therein required is not paid after the same becomes due.

SUBDIVISION 4.

§ 1. Every insurance company, other than life insurance companies, and all fire insurance companies, not organized under the laws of this State, but doing business therein, shall, on the 31st day of December in each year, or within thirty days thereafter, return to the Auditor of Public Accounts, for deposit in the Insurance Department, a statement under oath, of all premiums received in this State, or out of this State, on business done in this State during the year ending on the 31st day of December last preceding or since the last returns were made, and shall give the name and location of, and the amount of premiums received by each agent, and losses paid at each agency, and shall at the same time pay into the State Treasury a tax of two dollars upon each one hundred dollars of said premiums so ascertained, less returned premiums on cancelled policies and reinsurance in companies having authority to transact business in this State, and upon payment file a statement thereof with the Secretary of State.

SUBDIVISION 5.

§ 1. Any insurance company failing or refusing for thirty days to return the statement required, under the oath of some principal officer or general agent or manager of the State, and to pay the tax herein required, shall forfeit one hundred dollars for each offense, and it shall be the duty of the Insurance Commissioner to revoke the authority to such company or its agents, and

to publish such revocation in some newspaper of this Commonwealth.

§ 2. Any insurance company that has been authorized to transact business in this State shall continue to make the reports required herein as long as it collects any premiums as provided for herein, and shall pay taxes thereon, even after it has voluntarily ceased to write insurance in the State or has withdrawn therefrom, or its license suspended or revoked by the Insurance Commissioner, and for failure to make report of the premiums collected and pay the taxes due thereon, shall be fined five hundred dollars for such offense.

§ 3. Any company or association, as contemplated in the preceding sections, failing or refusing to return the statement, or pay the taxes as herein required, shall be deemed guilty of a misdemeanor and, on conviction, be fined one thousand dollars for each offense. If any officer of any of the companies or associations mentioned in this article shall make any false statement in any report herein required, he shall be deemed guilty of perjury and, on conviction, be punished accordingly.

§ 4. The Franklin Circuit Court shall have jurisdiction of all prosecutions under this article.

§ 5. The Auditor of Public Accounts may, by action, sue for and recover, in the name of the Commonwealth of Kentucky, all taxes due the State under this article, and the Franklin Circuit Court shall have jurisdiction of such action.

## SUBDIVISION 6.

### FOREIGN FIRE INSURANCE COMPANIES.

§ 1. Every insurance company, other than life insurance companies and assessment casualty companies, not organized under the laws of this State, but writing policies or contracts of insurance on property located in

this State, or doing business therein, shall, on the first day of December, or within thirty days thereafter, return to the Auditor of Public Accounts, for deposit in the Insurance Department, a statement made under oath of all premiums received for the twelve months preceding on policies or contracts of insurance written by the local resident agents and shall give the amount of premiums received by each local agency and the losses paid thereon, and shall at the same time pay into the State Treasury a tax of two dollars upon each one hundred dollars of premiums received; and shall also make a statement in detail under oath of all premiums received for the twelve months preceding on policies or contracts of insurance covering property located in the State, writen either at the home offices, branch offices, by brokers or by non-resident agents or by re-insurance of companies not authorized to do business in Kentucky, and also make statement in detail of the losses paid under such policies, and shall at the same time pay into the State Treasury a tax of two dollars upon each one hundred dollars of premiums so received, if not paid within thirty days, a penalty of five dollars additional of each one hundred dollars of the gross premium shall attach. Said statements of insurance written by other than authorized local agents duly licensed by the State of Kentucky shall show each policy written, its number, the assured, date, expiration, amount, rate and premium and the kind and location of the property insured.

§ 2. Any company or association as contemplated in this subdivision, failing or refusing to make such report and to furnish all data and information as required in sections of subdivision 5, and section 1 of subdivision 6 of this article, shall be deemed guilty of a misde-

meanor and, on conviction, be fined one thousand dollars for each offense.

§ 3. That all mutual assessment companies, associations, individual firms, underwriters or Lloyds not organized under the laws of the State of Kentucky, but having resident members doing business therein, and who shall enter into contracts of insurance with each other, or into agreements to indemnify each other against losses by fire, lightning, wind storms or other casualties, for which there is no premium charged or collected at the time insurance is made, shall be deemed to be doing an insurance business in this State, and shall annually on the first day of July, or within thirty days thereafter, pay into the treasury as a license tax, a tax of two dollars upon each one hundred dollars of assessment paid or collected in any one year; each resident member shall be liable to the State for the license tax and all interests and penalties. Any person, company or association, as provided for in this section, that fails or refuses to make a report giving all the data and information necessary to determine the amount of revenue due, or that fails to make the necessary report as provided for in this section, or that fails to pay the tax due thereon, shall be deemed guilty of a misdemeanor and, upon conviction, be fined not less than $100.00 nor more than $500.00 for each offense. The Franklin Circuit Court is hereby given jurisdiction of any and all actions that may be brought under this section.

§ 4. That all persons, companies, associations or corporations residing or doing business in this Commonwealth that enter into any agreements with any insurance company, association, individual firm, underwriter, or Lloyd, not authorized to do business in this State by the Insurance Department thereof, whereby said person, company, association or corporation shall enter in-

to contracts of insurance with the said unauthorized association, individual firm, underwriter, or Lloyd, to indemnify against losses by fire, lightning, wind storms or other casualties for which there is a premium charged or collected, the said person, company, association or corporation shall, annually, on the first day of July, or within thirty days thereafter, return to the Auditor of Public Accounts for deposit in the Insurance Department, a statement under oath of all premiums paid or charged for the twelve months preceding on policies or contracts of insurance taken by the said person, company, association or corporation and shall at the same time pay into the State Treasury a tax of two dollars on each one hundred dollars of premiums paid. Any person, company, association or corporation failing or refusing to make such report and to furnish all the data and information that may be required by the Insurance Commissioner to determine the amount due, shall be deemed guilty of a misdemeanor and, upon conviction, be fined not less than one hundred nor more than five hundred dollars for each offense. The Franklin Circuit Court shall have jurisdiction of all prosecutions under this article.

## ARTICLE XIV.

§ 1. On each original action or proceeding in the circuit court commencing with or without original process, and on each original action or proceeding in other courts, when the amount in controversy, exclusive of interest and cost, exceeds fifty dollars; on each appeal to the circuit or quarterly court; on each traverse or forcible entry or detainer; on each proceeding to revive a judgment; on each deed or power of attorney to convey real or personal estate, or any mortgage or conveyance of real or personal property, or lien or conveyance of

coal, oil, gas or other mineral right or privilege (but no tax shall be paid on any chattel mortgage unless the amount exceed two hundred dollars); and each marriage license, fifty cents, and on the seal of any court, required by law to keep a seal, fifty cents, except for license authorized by the State; on each appeal to the Court of Appeals, two dollars; on each verdict of a petit jury in civil cases in the circuit court, four dollars. The tax shall be paid when the parties withdraw a jury or the plaintiff sustains a non-suit after the jury is sworn. On filing and registering a plat and certificate of survey, and issuing and recording patent thereon, one charge, which shall be paid before the survey is filed, but not to apply to a survey heretofore filed in register's office, two dollars and fifty cents for each survey consisting of ten acres or less, and five dollars for each survey in excess of ten acres; for filing a caveat, twenty-five cents; for filing a copy of judgment of a court in a case of a caveat, mandamus or other proceedings affecting the land office, or the duties of the register, twenty-five cents; for issuing a land warrant, one dollar; for each official certificate with seal of office affixed, one dollar; for a copy of a plat, fifty cents; for a copy of a course and distances of any patent or survey, fifty cents; for a copy of an entry or land warrant, fifty cents; for a copy of an assignment, twenty-five cents; for a copy of a caveat, two cents for every twenty words; for a copy of any writing not specifically provided for, two cents for every twenty words.

## ARTICLE XV.

### SUBDIVISION 1.

§ 1. The clerk of the county court, after the examination and approval of the tax books by the Board of Supervisors, shall test the accuracy of the extensions

and additions on said books, make additions of each column, recapitulate blanks to be furnished by the Auditor, the footing of each page to show the aggregate amount, value and number of each column in said tax book, and record said recapitulation sheet or sheets in said book, with his official certificate attached, and see that said extensions, additions, footings and recapitulations are correct. He shall annually make out for the use of the sheriff or collector, in a book, a correct list of all tithes and taxable property as assessed and supervised, and shall deliver the same to the sheriff or collector on or before the first day of March, and take his receipt therefor, and at the same time he shall transmit by mail or otherwise to the Auditor of Public Accounts on said blanks to be furnished by the Auditor, a certified copy of said recapitulation sheet or sheets, showing the aggregate amount, value and number of each kind of enumerated property, as shown by the tax books, whether the same be assessed for taxation or statistics. For testing the accuracy of the extensions and additions on said book, and making additions of each column, and for making out said tax lists for the sheriff, the county clerk shall be allowed annually out of the State Treasury two cents for each line across the page of said books, made out for the sheriff, including the name of the taxpayer and number of total values. The clerk shall present his account to the county court, verified by his affidavit, which shall be approved and allowed by the court, if found correct, and be duly certified to the Auditor, who shall draw his warrant on the Treasurer for the amount. And for making out said recapitulation sheet and recording same in the tax book, said clerk shall receive two cents for each line across the page thereof, including the last number of total values; and the same compensation for copying and certifying said recapitu-

lation sheet to the Auditor, to be ascertained by the Auditor and paid by the Treasurer on the warrant of the Auditor. It shall be the duty of the county clerk, after the approval of the tax books by the Board of Supervisors, to mark with a perforating punch each line of said tax book and the recapitulation sheet or sheets upon which a list is not already entered. The fiscal court shall furnish the clerk with said punch. The failure of the county clerk to comply with this provision shall subject him to a fine of fifty dollars.

§ 2. The clerk shall, on or before the first day of August of each year make and certify to the assessor a complete statement of all conveyances made during the preceding year by justice's districts, showing the names of the parties, the date of conveyances, and the consideration of the conveyance; for which service he shall be allowed at the rate of five cents for each conveyance, payable out of the State Treasury on the certificate of the county clerk, verified and allowed by the county court, as provided in the preceding section, which statement shall be returned by the assessor with his tax-book and schedule to the county clerk for the use of the board of supervisors.

§ 3. It shall be the duty of the sheriff or Auditor's agent to cause to be listed for taxation all property omitted, or any portion of property omitted by the assessor, board of supervisors, board of valuation and assessment or railroad commission, for any year or years. The officer proposing to have such property assessed shall file in the clerk's office of the county in which the property may be liable to assessment, a statement containing a description and value of the property proposed to be assessed, and the value of corporate franchise, if any, and the name and place of residence of the owner, his agent or attorney, or person in possession of the

property, and the year or years for which the property is proposed to be assessed. Within five days after the filing of such statement, the clerk of the court shall issue a summons against the owner to show cause before the next regular term of the county court, which does not commence within five days after service of such summons, why such property or corporate franchise, if any, shall not be assessed at the value named in the statement filed. The summons shall be executed as in other civil cases by delivering a copy thereof to the owner, if in the county, if not, then to his agent, attorney or person in possession of the property. At the next regular term of the county court after the notice has been served five days, if it shall appear to the court that the property is liable for taxation and has not been assessed, the court shall enter an order fixing the value thereof at its fair cash value, estimated as is required by law; if not liable, he shall make an order to that effect. From so much of the order of the court deciding whether or not the property is liable to assessment, either party may appeal, as in other civil cases, except that no appeal bond shall be required where the court decides that the property is not liable to assessment or taxation. If the court shall decide that the property is liable to assessment, the clerk of the county court shall certify to the Auditor of Public Accounts and the sheriff a description of the property and the amount of the assessment for taxation, together with the amount of penalty and cost of assessment. All persons owning property which may be assessed as herein provided shall, in addition to the taxes, pay a penalty of twenty per centum on the amount of the taxes due and cost of assessment, except where such property shall have been duly listed by the owner thereof, or by any person or corporation or claimant or agent or

bailee in possession thereof. The taxes and penalties shall be collected and accounted for as other taxes and penalties are required to be collected. As compensation for his services in causing such property to be assessed, the officer filing his statement shall be entitled to the penalty, which shall be paid to him after the full amount of taxes shall have been collected. The county clerk shall enter all such assessments in a book to be kept for that purpose showing the date of the assessment, the name of the person against whom the assessment is made, the location and quantity of the property assessed, the value fixed thereon; and the officer collecting the tax shall, when the same is paid, notify the clerk of its payment, which payment shall be noted by the clerk opposite the entry of such assessment.

§ 4. Each circuit and county clerk shall make out an account of all taxes and other public money received by him up to the first day of each circuit court; and said report shall show in detail of whom said moneys were received, for what and when received, and shall be verified by him and entered of record; and he shall pay over from the public money remaining in his hands to the trustee of the jury fund, until otherwise provided by law, so much thereof as the court may by order direct as being necessary for the payment of the jurors; and the original account certified with the order of the court, shall be transmitted with the balance of the fund to the Auditor. The clerk shall be allowed five per cent. commission on said sums reported and paid by him. If any clerk shall fail to perform the duties required of him in this section, he shall be liable on his official bond, with twenty per cent. damages thereon, which may be recovered by action in the name of the Commonwealth in any court of competent jurisdiction.

§ 5. The clerks of the circuit and county courts and

trustees of the jury fund of this Commonwealth shall keep a well bound book in their offices, in which they shall enter at the time it is receivable, or when received, all taxes on suits or other moneys received by them for the Commonwealth, showing of whom received, on what account, amount and date, which book shall, at all times, be open to public inspection.

§ 6. It shall be the duty of the clerks of circuit courts to issue executions and place them in the hands of the sheriff, within twenty days after the adjournment of each term of their respective courts, upon all jury fees which remain unpaid; and, upon failure to do so shall be held responsible on their official bond for the amount of such jury fees upon which they had failed to issue executions.

§ 7. It shall be the duty of the circuit clerks of this Commonwealth to issue proper process and place the same in the hands of the sheriff, taking his receipt therefor, within ten days after the adjournment of each term of court, on all judgments in favor of the Commonwealth which have not been paid or replevied in the office, or remitted or respited by the Governor; and shall, within ten days after the maturity of each and every replevied bond on any judgment, issue executions and place them in the hands of the sheriff as aforesaid; and upon such executions issued upon any replevied bond being returned by the sheriff without making the money, he shall reissue executions from time to time, at least once in every ten months for five years, and as often thereafter as demanded by the Commonwealth's Attorney or county attorney or sheriff, and place in the hands of the sheriff as aforesaid; and upon all such judgments, executions, or capias pro fine, which may be stayed or respited by the Governor, the clerk shall issue proper process and place it in the hands of the

sheriff as aforesaid, within ten days after the expiration of such stay or respite. And it shall also be the duty of the circuit court clerk to make out and forward to the Auditor of Public Accounts some time in the month of June in each year, a full and complete list of all unpaid judgments as aforesaid, showing at what date execution or other process issued, to whom delivered, what return has been made and the date thereof, and upon failure to discharge his duty as required in this section, the clerk so failing shall be held responsible on his official bond for the amount of the judgment, interest and cost to which such failure is applicable, but nothing in this section shall be construed to authorize the Governor to remit any judgment unless the same be a fine imposed as a punishment.

§ 8. It shall be the duty of the clerk of the circuit court to report to the Auditor of Public Accounts, at the same time that he makes the report required in the preceding sections, a list of all such judgments, executions, etc., named in the said preceding sections, which have been paid in court, or as appeared from returns or other entries upon his books, or returns of execution or other process, have been collected since last report, by whom and from whom collected, amount and date.

§ 9. It shall be the duty of the circuit court clerks to forward to the Auditor, within ten days after the adjournment of each term of court a list of persons who have been ordered by the court to pay money to the trustees of the jury fund, showing on what accounts and what amounts.

§ 10. Upon the failure or neglect to perform any duty required by this article, the officer so failing shall, for each offense be fined not less than fifty nor more than one hundred dollars, in the discretion of the court.

Upon failure of any circuit or county court clerk to make and forward to the Auditor the reports required by this article, he shall be fined not less than two hundred nor more than three hundred dollars for each offense, which may be recovered by motion, action or indictment in the Franklin Circuit Court.

SUBDIVISION 2.

§ 1. The clerk of the Court of Appeals and Secretary of State shall, in the months of June and December of each year, report under oath to, and settle with, the Auditor for tax and public money which shall come to their hands, and pay the amount due from them into the State Treasury, and upon payment file a statement thereof with the Secretary of State. For each violation of this section, said officers may be fined in the Franklin Circuit Court, on motion or action in the name of the Commonwealth, not exceeding one hundred dollars, and shall be liable in the same manner to judgment and twenty per cent. damages for all money and tax due from them.

SUBDIVISION 3.

§ 1. Any person or corporation claiming to be erroneously charged with any tax upon property not owned by them, may, at any time not later than the next regular county court after they have received notice of the same, by demand made upon them to pay the tax, or for evidence in support of said complaint to the county court of the county in which the assessment was made; and if said court, after due consideration of the evidence, finds that they were not the owners of the property assessed, it may correct the same by releasing them from the payment of the tax

thereon; and it shall be the duty of the court to have the property immediately listed as against the rightful owner thereof. County courts shall have further authority, after giving notice to the sheriff and assessor, to correct any mere clerical errors in the assessment, and any correction made without such notice shall be void. The right of appeal from the decision of the court as herein provided shall apply to all final orders of court made under this section; and it shall be the duty of said court to certify its action to the Auditor of Public Accounts and sheriff, as provided in said preceding section.

## SUBDIVISION 4.

§ 1. The fiscal courts, before allowing and certifying any delinquent list, upon the application of the sheriff shall administer to the sheriff and his deputies the following oath: "You do swear that this list of insolvents and delinquents, now before the court and returned by you, is just and true, as you believe according to the knowledge which you have, and that you have been to the residence (if in the county) of the party from which the tax is due, and that you can not find any property liable to sale for taxes, and that you will true answers make to all questions asked you touching said lists, and the efforts made by you to collect the amount thereof." The court shall then proceed to examine the sheriff to ascertain the truth of the facts, and upon such answers and other evidence, and their own knowledge, to allow such portions of the lists as may be right, which, being certified as allowed, shall entitle the sheriff to a credit in his official settlement.

## ARTICLE XVI.

§ 1. It shall be the duty of all sheriffs, clerks, county judges, police judges, justices of the peace, constables, marshals and other officers authorized to receive moneys due the Commonwealth, to report on the first day of each circuit court, and in a court having a continuous session to report every four months, the amount of all moneys due the Commonwealth and collected by any such officer from all sources, except State and district taxes, since such officers' last report was made. The reports shall be in writing, and sworn to in open court by the officer making it, unless for good cause the court may excuse an officer, and receive his report sworn to before some person authorized to administer an oath. The report shall be on blanks prepared and furnished the circuit clerk by the Auditor of Public Accounts, and shall show from whom the money was received, the amount and date of collection, and on what account the money was paid; and the reports of the county judges, police judges and justices of the peace shall also show on which fines and forfeitures reported the county attorney is entitled to commission by reason of having attended and prosecuted the cases in which they were imposed. The county clerk shall, in addition to the facts as above required, show by report all licenses granted by him and the county court since his last report, the name of the person to whom granted, and the date of each, the date of expiration, and the amount of tax on each. The county judges, police judges and justices of the peace, and all other courts inferior to the circuit courts, having jurisdiction to render judgments in favor of the Commonwealth, shall, in addition to the facts required to be shown by them,

report all unsatisfied judgments in their respective courts rendered in favor of the Commonwealth during twelve months next before the time when such report is required to be made, the name and residence of the person against whom such judgment was rendered, the date of the judgment and the amount thereof, and the reason why such judgment has not been collected.

§ 2. In addition to the facts required to be reported in writing, the court may require any such officer to be sworn and answer concerning any matter pertaining to the interest of the Commonwealth; and the court may make such orders with reference to information thus obtained to protect the interest of the Commonwealth as it may deem proper, and enforce obedience thereto by appropriate proceedings. The report shall be delivered to the grand jury for their examination, and returned to the clerk of the circuit court.

§ 3. Any officer failing to make the report and failing to comply with the order of the court with reference thereto, shall be deemed guilty of contempt of court, and be proceeded against by proper rules and orders.

§ 4. The court shall order all such officers to pay any money in their hands to the officers entitled to receive it, and when the amount due is paid and the receipts therefor filed with their respective reports, the court shall approve the reports and cause the same to be filed in the office of the clerk of his court.

§ 5. Courts having continuous session shall, by order, fix a day in every four months for receiving the report of all such officers, on which day all the reports shall be made and proceedings had as on the first day of the term of other courts.

§ 6. Each circuit judge shall cause a complete summary of the several reports to be made and signed by

him and transmitted by him to the Auditor of Public Accounts within three weeks after said reports are made and filed, and the Auditor of Public Accounts shall not draw his warrant on the Treasurer of this State for the monthly salary of any circuit judge until the reports above required are filed, or proper steps have been taken by the court against delinquents to compel them to discharge their duties as herein contemplated.

## ARTICLE XVII.

REVENUE AGENTS.—APPOINTMENT AND TERM OF OFFICE.

§ 1. The Auditor of Public Accounts may appoint a revenue agent in each county of this Commonwealth, and may, in addition, appoint not exceeding four revenue agents from the State at large, whose term of office shall be the same as that of the Auditor, and expire at the same time, unless they or any one of them are removed by him. If any revenue agent for the State at large, now in office, should be removed by the Auditor, he shall have the right to prosecute to a final determination all actions instituted by him prior to January 15, 1906.

OATH OF OFFICE.—BOND REQUIRED.

§ 2. Before entering upon the discharge of the duties of office, such revenue agents shall take the oath required of other officers, and shall execute a bond to the Commonwealth of Kentucky, with good security, conditioned that such revenue agent will faithfully discharge the duties of his office; said bond of the revenue agent in each county to be approved by the county judge of said county, and the bond of the revenue agent from the State at large, to be approved by the Auditor. The bond of the revenue agent from the State at large

shall be filed and safely kept in the Auditor's office, and the bond of the revenue agent in each county shall be filed and safely kept in the county court clerk's office for said county, and upon his bond the revenue agent and his sureties shall be jointly and severally liable for a breach thereof to the Commonwealth, county or person in interest.

RENEWAL OF BOND.

§ 3. The bond shall be renewed every two years, or as often as the Auditor may require.

POWERS AND DUTIES OF REVENUE AGENTS.

§ 4. It shall be the duty of the revenue agent, and the sheriff in each county shall have like power and authority as the revenue agent for said county, to cause to be listed for taxation all property omitted by the assessor, board of supervisors, board of valuation and assessment or railroad commission, for any year or years. The officer proposing to have the property assessed shall file in the clerk's office of the county in which the property may be liable to assessment, a statement containing a description and value of the property proposed to be assessed, and the value of the corporate franchise, if any, and the name and place of residence of the owner, his agent or attorney, or person in possession of the property, and the year or years for which the property is proposed to be assessed. The clerk of the court shall thereupon issue a summons against the owner to show cause before the next regular term of the county court, which does not commence within five days after service of such summons, why such property or corporate franchise, if any, shall not be assessed at the value named in the statement filed. The summons shall be executed by the sheriff of the county by delivering a copy thereof to the owner,

if in the county; if not, then to his agent, attorney or person in possession of the property. At the next regular term of the county court after the summons has been served five days, if it shall appear to the court that the property is liable for taxation, and has not been assessed, the court shall enter an order fixing the value thereof at its fair cash value, estimated as required by law; if not liable for taxation, he shall make an order to that effect. The judgment of the court shall have the same force and effect as the judgment of the court in civil cases. Either party may appeal from a decision of the county court to the circuit court and then to the court of appeals, as in other civil cases, except that no appeal bond shall be required where the appeal is by the revenue agent or sheriff. If the court shall decide that the property is liable to assessment, and has not been assessed, the clerk of the county court shall enter a judgment on a book kept for that purpose assessing said property and fixing the value thereof, and he shall certify the assessment of said property and its value, together with such other facts as may hereafter be required to appear in said judgment by section 6 of this article, to the Auditor of Public Accounts, and likewise to the sheriff of the county, together with the amount of penalty and costs of assessment, in order that the taxes due the Commonwealth and county may be collected, with the penalties and costs. All persons owning property which may be assessed as herein provided, shall, in addition to the taxes, pay the costs of the proceedings and a penalty of twenty per centum on the amount of the State and county taxes due, except where such property shall have been duly listed by the owner thereof. The taxes, costs and penalties shall be collected and accounted for as other taxes and penalties are required to be collected, and

by the same officers. As compensation for his services in causing such property to be assessed, the officer filing the statement shall be entitled to the penalty of twenty per centum, and the same shall be paid to him by the county tax collector collecting said county taxes and penalty thereon within thirty days after receiving same, and by the officer of the State collecting or receiving State taxes within thirty days after receiving same. The county clerk shall enter all such assessments in said book to be kept for that purpose, showing the date of the assessment, the name of the person against whom the assessment is made, the location and quantity of the property assessed, and the value thereof; and the officer collecting the taxes shall, when the same is paid, notify the clerk of its payment, which payment shall be noted by the clerk opposite the entry of such assessment.

JURISDICTION OF REVENUE AGENTS.

§ 5. The jurisdiction of the revenue agent for the county shall be limited to the assessment of property located within the county for which he may have been appointed, but the jurisdiction of the revenue agents for the State at large shall extend to the assessment of property within any county of this Commonwealth.

DUTY OF COUNTY ATTORNEY.

§ 6. It shall be the duty of the county clerk, upon filing of any statement by any officer for the assessment of omitted property, to enter the name of the county attorney for said county as attorney on behalf of the State and county, and it shall be the duty of said county attorney to appear and prosecute said proceedings in all the courts to which the same may be taken for trial. No compromise judgment, agreement for assessment or agreement as to the valuation of any omitted property,

entered into between any revenue agent or sheriff with the owner of such property, shall be entered or made by the county court, except upon the written recommendation of the county attorney filed of record in said proceedings. If there be a judgment assessing said property for taxation, said judgment in each case shall recite whether or not the county attorney was present and assisted in the trial of said proceeding, and when he is so present and assists in said proceeding he shall be allowed as compensation for his services five per centum of the amount of said State and county taxes, to be paid to him by the county and State within thirty days after the collection of said taxes.

NOT PERMITTED TO COLLECT MONEY.

§ 7. No revenue agent shall be permitted to collect any moneys due either the State or any county without special written authority from the Auditor. Should any such revenue agent violate the provisions of this section, he shall be deemed guilty of a misdemeanor and, upon indictment in the county in which said acts were done, and conviction, he shall be subject to a fine of not less than one hundred dollars, nor more than five hundred dollars, and removal from office.

DUTY TO REPORT VIOLATORS OF LICENSE LAW.

§ 8. He shall report to the Commonwealth's Attorney, county attorney or grand jury all persons who may be guilty of violating the laws governing license taxes, and shall cause said offenders to be prosecuted; and in all cases where the person so reported or prosecuted shall be granted license, and shall pay the tax and penalty of twenty per cent. as imposed by law, the revenue agent who reports the offender, and who causes the payment of such license and penalty, shall

be entitled to receive such penalty of twenty per cent. as compensation for his services.

DUTY TO INVESTIGATE ACCOUNTS OF PUBLIC OFFICERS.

§ 9. It shall be the duty of the revenue agent, and he shall have the right, to investigate the accounts, books and records of all officers whose duty it may be to receive or collect money due the State or county, and report to the Auditor, from time to time, all delinquent officers and the amounts collected by them which they have failed to pay into the Treasury of the State; and such revenue agent shall, from time to time, report to the fiscal court of the county all delinquent officers, and the amounts owing by them to the county, if any; and he shall report all amounts which it was the duty of such officers to have collected and which they have failed to collect, and the person, or persons, owing same. He shall report all excessive charges made by any such officer, and also those who have received or retained a greater sum for their services or the services of their deputies than is allowed by law, and all such other facts by which the State or county is being unlawfully deprived of any money, and any other facts touching the interest of the Commonwealth or county as he may deem important, or of which the Auditor or fiscal court of the county may require information.

DUTY TO INSTITUTE SUITS TO RECOVER MONEY.

§ 10. It shall be the duty of the revenue agent, and he shall have authority when directed by the Auditor, to institute suits, motions or proceedings in the name of the Commonwealth against any delinquent officer or other person, to recover any money which may be due the Commonwealth; and, in all such suits, motions, or

proceedings in which a judgment is recovered, the party in default shall, in addition to the amount for which he is liable to the State, be adjudged to pay a penalty of twenty per cent. on the amount due; and the revenue agent who prosecutes such action and recovers the amount due the Commonwealth shall be entitled to receive said penalty for his services. The penalties herein provided for shall not be in addition to the penalties in actions in the name of the Commonwealth prosecuted by the county attorney or other attorneys for the Commonwealth. The money so adjudged due the Commonwealth, and penalties and costs, shall be paid to the State Treasurer, and he shall, within thirty days, pay the twenty per cent. penalty and costs to the officers entitled thereto.

COMMONWEALTH NOT LIABLE FOR COSTS.

§ 11. The Commonwealth shall not be liable for or pay any cost on any action or proceeding instituted by any revenue agent or sheriff, nor shall it be liable for or pay any sum to a revenue agent or sheriff for any services as such except out of the amounts which may be collected as penalties, in cases prosecuted by such officers under this article.

DUTY OF AUDITOR TO COLLECT BACK TAXES.—POWER TO DIRECT REVENUE AGENTS.

§ 12. It shall be the duty of the Auditor of Public Accounts to diligently prosecute the collection of all back taxes, license fees, judgments or other moneys, claims or demands due the Commonwealth from any corporation, association, firm, companies or individuals, and shall have the power to direct revenue agents in the various counties or from the State at large to prosecute the collection of all delinquent taxes, taxes on omitted property of delinquents, license fees or omitted li-

cense or franchise tax of any corporation or association due the State, for which services the revenue agent shall be entitled to the fees prescribed in the preceding sections of this article. Should any life insurance company, fire insurance company, casualty company, marine insurance, or security, or indemnity company be in debt to the State for back taxes, or should any of such companies fail to pay into the State Treasury the correct amount of taxes due the State, the Auditor shall cause an investigation to be made of their books and accounts, and employ such expert accountants as he may deem necessary for such work. The expenses for such accountant and other expenses of such examination shall be paid by the delinquent companies, and in no event shall the State be liable for any expense incurred in such examination.

§ 13. Where property is assessed in bulk and no itemized statement as provided in the schedule set out in this act of the kind, quantity or amount of such property is stated, as required by law, in the assessment made thereof, if any, such property shall be deemed omitted property, to the extent that the assessed value thereof is less than the fair cash value estimated as required by law.

## ARTICLE XVIII.

### STATE BOARD OF EQUALIZATION.

§ 1. It shall be the duty of the Governor to annually appoint one person for each appellate district of this State, and they, together with the Auditor of Public Accounts, who shall be an ex-officio member without additional compensation, shall constitute a State Board of Equalization and Assessment. No person shall be eligible to appointment on the board by the Governor who is under thirty years old, and he shall be a house-

keeper and shall be the owner in fee of real estate located in this State. The members of this board shall hold this office for a period of one year, and until their successors are appointed and qualified. The term of office of said persons to be appointed as aforesaid shall begin on the first day of January, one thousand nine hundred and three, and annually thereafter. It shall require five members of said board present to constitute a quorum: Provided, That all seven of the members of said board to be appointed under the provisions of this act on the first day of January, 1908, shall be appointed as follows: Three of same to serve for only two years, and their successors shall be appointed to serve for four years, and the remaining four members appointed on January first, 1908, shall be appointed to serve for four years, and their successors shall be appointed to serve for a period of four years; and all members of said board appointed after 1908 shall serve for a term of four years; and said board shall complete its labors not later than the first day of June in each year.

§ 2. Each member of said board, before entering upon the duties of said office, shall take the oath of affirmation prescribed by the Constitution of the State.

§ 3. At the first meeting of said board, it shall organize by selecting one of its members as chairman and appointing a secretary, who shall take the oath prescribed by the Constitution. Each member of said board shall receive for his services the sum of five dollars per day during its sessions, and ten cents per mile for each mile necessary to travel in going to and returning from the seat of government, to be counted by the Auditor of Public Accounts, and no other allowance or emoluments, directly or indirectly, except the sum of ten dollars annually, which shall be in full for postage, stationery, newspapers and other incidentals. The pay and mileage

allowed to each member of said board, and the pay allowed to its secretaries and employes, shall be certified by the chairman. Said board may employ three secretaries at five dollars per day.

§ 4. Said board shall assemble at the State capitol on the tenth day of February, annually, to perform the duties imposed upon it by the provisions of this act; but in case the Auditor has not by that day received sufficient returns of assessments and tabulated statements, as provided for in this act, from the various county clerks of this Commonwealth, the said officer may, at his discretion, call the board to meet at some later day. The State Librarian shall furnish such printing, fuel, lights and rooms as may be necessary for the transaction of the business of said board.

§ 5. In all cases of partial return from any county, the Board of Equalization may estimate the valuation in the towns or districts from which returns have not been received, and may equalize the total valuation as in other cases; and in all cases of failure on the part of any county clerk to furnish the returns of the assessment of his county to the Auditor prior to or during the meeting of the Board of Equalization in each year, said board may, by order, authorize the Auditor to equalize the assessment of such county when the full returns have been received by him.

§ 6. That the clerks of the various county courts of this Commonwealth are hereby required to make out an annual tabulated statement of all sales of real estate, as shown by the deed books in their respective counties, on suitable blanks, which the Auditor is hereby required to furnish said clerks, and said clerks are required to make and file said tabulated statements on or before the 1st day of January in each year, town lots being kept separate from other real estate; said tabulated state-

ments shall be for one year immediately preceding the first day of August and shall contain a list of all sales of real estate, town lots being kept separate as aforesaid, the price paid, with terms and conditions, the number of acres and the assessed value of same for the said year. Said tabulated statements shall only include sales where absolute fee simple title is given, and if only a part of a tract of land or town lot is sold, shall give a short description of same, and state what proportion the same may be of such tract of land or town lot. The said tabulated statement shall be sworn to by the said clerk before some person competent to take oaths, as a full and complete statement of said facts for the period of one year previous to the first day of August. Said statement shall also be signed and sworn to by the county attorney and the county judge, and in their affidavits they shall state that they have examined the recorded and unrecorded conveyances filed for said twelve months preceding August the first last past, and each and every such conveyance (except those based on love and affection), with the consideration therefor correctly stated, is shown in said statement, and that the assessed values are correctly given in said statement. Said board shall have the authority to obtain and use any other evidences as to values, and whether or not the property conveyed has been assessed at a greater per centum of its actual value than in cases where property has not been conveyed. Said tabulated list shall be made out and sent to the Auditor of Public Accounts for the use of the State Board of Equalization. For his services in making said tabulated statement, the clerk shall be paid a reasonable compensation by the county court of his respective county. If any clerk of any county in this Commonwealth fails to make out and send, by mail or otherwise, to the Auditor of Public Accounts, on or before the first day of February in each

year, the tabulated list of sales, as provided in this act, he shall be fined not less than fifty nor more than two hundred dollars, upon the indictment in any court of competent jurisdiction in this Commonwealth.

§ 7. The said Board of Equalization shall fix the percentage of assessed value of real property at its fair cash value, and all counties whose average lists of real property fall below such value shall be raised to the same, and all those counties whose average lists are above the same, shall be lowered to said cash value. The Secretary to the State Board of Equalization shall report to the various county judges of this Commonwealth, as soon as possible, the action of the board in regard to their respective counties, whereupon said judges may, in their discretion, each appoint not exceeding five witnesses to appear under oath before said board in reference to the action of the board. The board shall then revise their action or not, as they may think just and proper. Said witnesses must appear in a reasonable time, or they shall lose their right to be heard. The compensation and expenses of said witnesses, if any, shall be paid by their respective county courts.

§ 8. The said Board of Equalization shall also equalize the personal property of every county in this Commonwealth by adding to or subtracting from the list of personal property, as the case may be, the same per centum as was added to or subtracted from the list of farm lands for the same county, and for this purpose the average per centum of assessed value to cash value of farm lands shall be used, and in determining such per centum, fractions less than one-half shall be rejected, and fractions of one-half or over shall be counted as one.

§ 9. In the event that there has not been as many

as five sales of land in any county in any one year next preceding August the first, then the assessments of real estate and personal property for that county shall remain as fixed by the county board of supervisors, and the same rule shall apply to town lots.

§ 10. Said board shall find the average percentage of assessed value to cash value of lands and town lots in any one county by taking in said tabulated statement the aggregate assessed value of all tracts of land and town lots, town lots being kept separate, and calculating what percentage said aggregate assessed values or of the cash value of the same, time payments being reduced to cash value on the basis of six per centum discount.

§ 11. When the board shall have completed its equalization of assessments for any one year the chairman and secretary shall certify to the Auditor the rates finally determined by the said board to be added to or deducted from the listed or assessed valuation of lands and town lots and personal property in the several counties, and the amounts assessed by said board, and it shall be the duty of the Auditor, under his seal of office, to report the action of the board to the several sheriffs immediately after the adjournment of said board.

§ 12. The report of the proceedings of said Board of Equalization shall be published annually in pamphlet form, and one thousand copies thereof printed, of which number each member shall be entitled to fifty copies, and the Auditor to two hundred, and the remainder thereof shall be distributed by the Secretary of State to the several counties in proportion. Said distribution shall be by mail or express, immediately upon the receipt of said report from the public printer, the cost of such distribution to be paid for by the Treasury

of the State out of any money in the treasury not otherwise appropriated.

§ 13. All rates of taxes as herein provided for shall be extended by the secretary on the assessed valuation of property as equalized and assessed by the State Board of Equalization. Said secretary shall extend the rates of addition or deduction ordered by the State Board of Equalization in columns provided for that purpose. The rates per cent. ordered by the State Board of Equalization shall be extended on the assessed valuation of property as corrected and equalized by the county board. In all cases of extension of valuations, where the equalized valuations shall happen to be fractional, the clerk shall reject all such fractions as may fall below fifty cents; fractions of fifty cents or more shall be extended as one dollar.

§ 14. It shall be the duty of the Auditor to make in each assessor's book a certificate of the rate of deduction or addition determined by the State Board of Equalization in the county to which such books shall pertain. The Auditor shall make out over his hand and official seal a certificate of the action of the Board of Equalization, which shall be transmitted to the county clerk, and by him affixed to the assessor's books for the said year, and entered of record in the order-book, and shall be the warrant of authority to the sheriff or collector for the collection of taxes as therein set forth.

## ARTICLE XIX.

### INHERITANCE.

§ 1. All property which shall pass, by will or by the intestate laws of this State, from any person who may die seized or possessed of the same while a resident of this State, or if such decedent was not a resident of this State at the time of death, which property, or any part

thereof, shall be within this State, or any interest therein, or income therefrom, which shall be transferred by deed, grant, sale or gift, made in contemplation of the death of the grantor or bargainor, or intended to take effect in possession or enjoyment after such death, to any person or persons, or to any body politic or corporate, in trust or otherwise, or by reason whereof any person or body politic or corporate shall become beneficially entitled, in possession or expectancy, to any property, or to the income thereof, other than to or for the use of his or her father, mother, husband, wife, lawful issue, the wife or widow of a son, or the husband of a daughter, or any child or children adopted as such in conformity with the laws of the Commonwealth of Kentucky, and any lineal descendant of such decedent born in lawful wedlock, shall be, and is, subject to a tax of five dollars on every hundred dollars of the fair cash value of such property, and at a proportionate rate for any less amount, to be paid to the sheriff or collector of the proper county, as hereinafter defined for the general use of the Commonwealth; and all administrators, executors and trustees shall be liable for any and all taxes until the same shall have been paid as hereinafter directed: Provided, That an estate which may be valued at a less sum than one thousand dollars shall not be subject to such duty or tax.

§ 2. When any grant, gift, devise, legacy or succession upon which a tax is imposed by section 1 of this article shall be an estate, income or interest for a term of years or for life, or determinable upon any future or contingent event, or shall be a remainder, reversion or other expectancy, real or personal, the entire property or fund by which such estate, income or interest is supported, or of which it is a part, shall be appraised immediately after the death of the decedent, and the fair cash value thereof, estimated at the price it would

bring at a fair voluntary sale, determined in the manner provided in section 11 of this article and the tax prescribed shall be immediately due and payable to the sheriff or collector of the proper county, and, together with the interest thereon, shall be and remain a lien on said property until the same is paid: Provided, That the person or persons, or body politic or corporate, beneficially interested in the property chargeable with said tax, may elect not to pay the same until they shall come into the actual possession or enjoyment of such property, and in that case such person or persons, or body politic or corporate, shall execute a bond to the Commonwealth of Kentucky, in a sum of twice the amount of the tax arising upon personal estate, with such sureties as the county court may approve, conditioned for the payment of said tax and interest thereon, at such time or period as they or their representatives may come into the actual possession or enjoyment of such property, which bond shall be filed in the office of the county clerk of the proper county: Provided, further, That such person shall make a full and verified return of such property to said court, and file the same in the office of the county clerk within one year of the death of the decedent, and within that period enter into such surety and renew the same every five years.

§ 3. Whenever a decedent appoints or nominates one or more executors or trustees, and makes a bequest or devise of property to them in lieu of commissions or allowances, which otherwise would be liable to said tax, or appoints them his residuary legatees and said bequest, devises, or residuary legacies exceed what would be a lawful compensation for their services, such excess shall be liable to said tax, and the county court in which the personal representatives of the decedent has qualified shall fix the compensation.

§ 4. All taxes imposed by this chapter, unless other-

wise herein provided for, shall be due and payable at the death of the decedent, and if the same are paid within eighteen months, no interest shall be charged and collected thereon, but if not so paid, interest at the rate of ten per centum per annum shall be charged and collected from the time said tax accrued: Provided, That if said tax is paid within nine months from the accruing thereof a discount of five per centum shall be allowed and deducted from said tax. And in all cases where the executors, administrators, or trustees do not pay such tax within eighteen months from the death of the decedent, they shall be required to give a bond in the form and to the effect prescribed in section 2 of this chapter for the payment of said tax, together with interest.

§ 5. The penalty of ten per centum per annum imposed by section 4 hereof, for the nonpayment of said tax, shall not be charged in case where, by reason of claims made upon the estate, necessary litigation, or other unavoidable cause of delay, the estate of any decedent, or a part thereof, can not be settled at the end of eighteen months from the death of the decedent; and in such case only six per centum per annum shall be charged upon the said tax from the expiration of said eighteen months until the cause of such delay is removed.

§ 6. Any administrator, executor or trustee having in charge or trust any legacy or property for distribution subject to the said tax, shall deduct the tax therefrom, or if the legacy or property be not money, he shall collect the tax thereon upon the fair cash value thereof, from the legatee or person entitled to such property, and he shall not deliver, or be compelled to deliver, any specific legacy or property subject to tax to any person until he shall have collected the tax thereon and whenever any such legacy shall be charged upon or payable

out of real estate, the executor, administrator or trustee shall collect said tax from the distributee thereof, and the same shall remain a charge on such real estate until paid; if, however, such legacy be given in money to any person for a limited period, the executor, administrator or trustee shall retain the tax upon the whole amount; but if it be not in money, he shall make application to the county court to make an apportionment, if the case require it, of the sum to be paid into his hands by such legatees, and for such further orders relative thereto as the case may require.

§ 7. All executors, administrators and trustees shall have full power to sell so much of the property of the decedent as will enable them to pay said tax, in the same manner as they may be enabled by law to do for the payment of debts of the estate, and the amount of said tax shall be paid as hereinafter directed.

§ 8. Every sum of money retained by an executor, administrator or trustee or paid into his hands, for any tax on property, shall be paid by him, within thirty days thereafter, to the sheriff or collector of the county in which the said tax is due and payable and the said sheriff or collector shall give and every executor, administrator or trustee shall take, duplicate receipts for such payment, one of which receipts said executor, administrator or trustee shall immediately send to the Auditor of Public Accounts, whose duty it shall be to charge the said sheriff or collector so receiving the tax with the amount thereof, and said Auditor shall seal said receipt with the seal of his office and countersign the same, and return it to the executor, administrator or trustee, whereupon it shall be a proper voucher in the settlement of his accounts; and an executor, administrator or trustee shall not be entitled to credits in his accounts, nor be discharged from liability for such tax, nor shall said estate be distributed unless he shall pro-

duce a receipt so sealed and countersigned by the Auditor, or a copy thereof, certified by him.

§ 9. Whenever any debts shall be proven against the estate of a decedent after the payment of legacies or distribution of property, from which the said tax has been deducted or upon which it has been paid, and a refund is made by the legatee, devisee, heir or next of kin, a proportion of the tax so deducted or paid shall be repaid to him by the executor, administrator or trustee, if the said tax has not been paid to the sheriff or collector or to the Auditor, or by the Auditor if it has been so paid.

§ 10. Whenever any foreign executor or administrator shall assign or transfer any stocks or loans in this State standing in the name of a decedent, or held in trust for a decedent, which shall be liable to the said tax, such tax shall be paid to the sheriff or collector of the proper county on the transfer thereof; otherwise the corporation permitting such transfer shall become liable to pay such tax.

§ 11. When the value of any inheritance, devise, bequest or other interest subject to the payment of said tax is uncertain, the county court in which the said tax settlement proceedings are pending, on the application of any interested party, or upon his own motion, shall appoint some competent person as appraiser, as often as and whenever occasion may require, whose duty it shall be forthwith to give such notice by mail to all persons known to have or claim an interest in such property, and to such persons as the court may by order direct, of the time and place at which he will appraise such property, and at such time and place to appraise the same and make a report thereof, in writing, to said court, together with such other facts in relation thereto as said court may by order require to be filed with the clerk of said court; and from this report the said court

shall, by order, forthwith assess and fix the fair cash value, as hereinbefore provided, of all inheritances, devises, bequests, or other interests and the tax to which the same is liable, and shall immediately cause notice hereof to be given, by mail, to all parties known to be interested therein; and the value of every future or contingent or limited estate, income, or interest shall, for the purpose of this chapter, be determined by the rule, method and standards of mortality prescribed by the mortality tables authorized by Kentucky Statutes for ascertaining the value of life estates, annuities and remainder interests save that the rate of interest to be assessed in computing the present value of all future interest and contingencies shall be five per centum per annum; and the Insurance Commissioner shall, on the application of said court, determine the value of such future or contingent or limited estate, income or interest, upon the facts contained in such report, and certify the same to the court, and his certificate shall be conclusive evidence that the method of computation adopted therein is correct. The said appraiser shall be paid by the personal representative of the decedent, out of any funds that may be or may come into his hands on account of said tax, on the certificate of the court, at the rate of three dollars per day for every day actually and necessarily employed in said appraisement, together with his actual and necessary traveling expenses.

§ 12. Any appraiser appointed by virtue of this chapter who shall take any fee or reward from any executor, administrator, trustee, legatee, next of kin or heir of decedent, or from any other person liable to pay said tax, or any portion thereof, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than two hundred dollars nor more than five hundred dollars, or imprisoned in the county jail sixty

days, or both so fined and imprisoned, and in addition thereto the court shall dismiss him from such service.

§ 13. The county court in the county in which is situated the real property of a decedent who was not a resident of the State, or in the county of which the decedent was a resident at the time of his death, shall have jurisdiction to hear and determine all questions in relation to the tax arising under the provisions of this chapter and the court first acquiring jurisdiction hereunder shall retain the same, to the exclusion of every other.

§ 14. If it shall appear to the judge of the county court that any tax accruing under the provisions of this chapter has not been paid according to law, the clerk of said court shall issue a summons, summoning the persons known to own any interest in or part of the property liable to the tax to appear before the court on a day certain and show cause why said tax should not be paid. The service of said summons, and the time, manner and proof thereof, and the hearing and determination thereon, and the enforcement of the judgment or decree, shall conform to the provisions of the Kentucky Statutes and the Civil Code of Practice applicable to and pursued in the levy, ascertainment and collection of taxes.

§ 15. Whenever the sheriff or collector of any county shall have reason to believe that any tax is due and unpaid under the provisions of this chapter, after the failure or refusal of the persons interested in the property liable to said tax to pay the same, he shall notify the county attorney of the proper county, in writing, of such failure to pay such tax, and the county attorney so notified, if he have probable cause to believe a tax is due and unpaid, shall prosecute the proceedings in the county court, as provided in section 14 of this chapter, for the enforcement and collection of such tax.

§ 16. The county clerk of each county shall, every six months, make a statement, in writing, to the sheriff or collector of the property from which, or the party from whom he has reason to believe a tax, under the provisions of this chapter, is due and unpaid.

§ 17. The county clerk of each county shall keep a book to be furnished by the Auditor, in which he shall enter the values of inheritances, devises, bequests and other interests subject to the payment of such tax, and the tax assessed thereon, and the amounts of any receipts for payments thereon filed with him, which book shall be kept by him as public record.

§ 18. The sheriff or collector of each county shall collect and pay to the Auditor all taxes that may be due and payable under this chapter, who shall give him the receipt therefor; of which collections and payment he shall make a report, under oath, to the Auditor of Public Accounts at the same time and in the same manner as provided by law that he shall report and pay the State's revenue, stating for what estate paid, and in such form and containing such particulars as the Auditor may prescribe; and for all such taxes collected by him and not paid to the Auditor by the first day of March of each year he shall pay interest at the rate of ten per centum per annum.

§ 19. All acts and parts of acts in conflict with this act are hereby repealed. If any section in this bill shall be held to be unconstitutional, that fact shall not affect any other section of the act, it being the intention of the General Assembly in enacting this bill to enact each section separately, and if any proviso or exception contained in any section of this bill shall be declared unconstitutional, that fact shall not affect the remaining portion of said section; it being the intention of the Legislature to enact each section of said bill and each proviso and exception thereto separately.

Mr. Diskin offered the following amendment to said substitute, viz.:

That section 11, article 2, be amended by adding, after the word "supervisors," in line 9, page 12, the following: "Provided, That the provisions of sections 10 and 11, article 2, shall not apply to mortgages given to trust companies, building associations or building and loan associations."

Said amendment was disagreed to.

Mr. Bourne offered the following amendment to said substitute, viz.:

Amend article 12, subdivision 4, by adding, at the end of line 490, page 115, an additional section:

"§ 2. That one-fifth of all the revenue collected annually under this article be expended for the improvement of the public roads in this Commonwealth; that said money be apportioned among the several counties of this State according to the population therein, based upon the census of 1900. In determining the population and the part to be paid to each county there shall be excluded the population of all cities of the first, second and third classes. The Treasurer of the State shall pay the amount due each county to the person designated by the fiscal court of said county, said money to be expended either in the building of turnpikes or in the repairing of the turnpike or the dirt roads of the county, same to be expended under the order and by the direction of the fiscal court for the purposes hereinabove mentioned."

Said amendment was disagreed to.

Mr. McKnight offered the following amendment to said substitute, viz.:

Amend article 19, section 1, by striking out the following words at the end of said section: "That an estate which may be valued at a less sum than $1,000 shall not be subject to such duty or tax,"

and inserting in lieu thereof the following: "That the first $1,000 of every estate shall not be subject to such duty or tax."

Said amendment was agreed to.

Mr Cochran offered the following amendment to said substitute, viz.:

Amend article 8, section 26, by striking out the words "of personal property," in line 7, and inserting in lieu thereof the word "estate."

Said amendment was agreed to.

Mr. Redwine offered the following amendment to said substitute, viz.:

Amend article 12, subdivision 4, section 1, under the head "Patent Medicine," as follows, viz.: Strike out the word "licensed," immediately preceding the word "merchant," in line 249.

Said amendment was agreed to.

Mr. Simmons offered the following amendment to said substitute, viz.:

Amend article 12, subdivision 4, section 1, by striking out the whole of lines 177, 178 and 179 (tax on barber shop and on chairs).

Said amendment was agreed to.

Mr. Gates offered the following amendment to said substitute, viz.:

Amend article 12, subdivision 4, section 1, line 26, on page 100, by striking out the words "five hundred" and inserting "ten" (tax on trading stamp companies).

Said amendment was disagreed to.

Mr. Enlow offered the following amendment to said substitute, viz.:

In line 1, section 1, article 1, strike out "50c," and inserting in

lieu thereof "58c;" and in line 5 strike out "21½c" and insert in lieu thereof "19½c."

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Enlow and Drewry were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| E. Barry, | Taylor P. Gabbard, | C. M. Paynter, |
| Charles C. Beard, | Lloyd W. Gates, | John R. Ray, |
| B. O. Becker, | John C. Griffith, | Richard S. Rose, |
| Roger P. Blair, | H. H. Griffin, | W. W. Smith, |
| Joe F. Bosworth, | James A. Hagan, | John A. Stevens, |
| H. Kirby Bourne, | W. C. Halbert, | Zeb. A. Stewart, |
| M. F. Campbell, | Albert Hamilton, | George W. Stone, |
| N. B. Chipman, | C. W. G. Hannah, | C. C. Terry, |
| Bennett Clarke, | D. C. Hopper, | C. F. Thornton, |
| H. K. Cole, | W. J. Jackson, | Harry Weitkamp, |
| W. H. Cole, | W. H. Jones, | W. T. White, |
| A. L. Denny, | R. W. Miller, | Wm. Wilt, |
| Thomas Drewry, | V. W. Morris, | J. Hal Woodford, |
| Robert Enlow, | Ed. Mulcahy, | James C. Yaden, |
| M. T. Freeman, | Henry G. Overstreet, | J. A. Yates—45. |

Those who voted in the negative were—

| | | |
|---|---|---|
| J. M. Alverson, | Paul Gullion, | J. T. Royalty, |
| Louis W. Arnett, | J. A. Hamon, | S. M. Russell. |
| John Barr, | L. P. Head, | J. T. Scott, |
| Peter Best, Jr., | L. F. Johnson, | Ed. H. Shellman, |
| J. C. Byland, | Wm. F. Klair. | R. C. Simmons, |
| J. W. Clay, | Geo. D. Litsey, | T. J. Slaton, |
| W. D. Claybrooke, | H. M. McCarty, | Emmet P. Slattery, |
| Henry M. Cox, | Virgil McKnight, | Hub L. Stevens, |
| Ed. Croan, | M. H. McLean, | A. J. Thompson, |
| Charles I. Dawson, | Henry C. Miller, | T. A. Weldon, |
| Lawrence J. Diskin, | J. M. Mitchell, | Geo. S. Wilson, |

| | | |
|---|---|---|
| W. Reed Embry, | James S. Morris, | J. T. Wilson, |
| J. A. Frazier, | Ion B. Nall, | Munnell Wilson, |
| W. J. Gooch, | W. J. Osborne, | W. T. Wright, |
| A. J. Gorham, | M. M. Redwine, | Will A. Young—47. |
| B. P. Grigsby, Sr., | J. M. Robertson, | |

Mr. Scott offered the following amendment to said substitute, viz.:

Amend by striking out the word "five dollars" in line 18, article 19, section 1, and insert in lieu thereof "two dollars and fifty cents."

Said amendment was agreed to.

Mr. Hamon offered the following amendment to said substitute, viz.:

Amend article 12, subdivision 4, section 1, page 105, by striking out the lines 173 to 176, both inclusive (tax on auctioneers); also strike out lines 184, 185 and 186 (tax on bill posters).

Said amendment was disagreed to.

Mr. Mulcahy offered the following amendment to said substitute, viz.:

Amend article 12, subdivision 4, section 1, line 246, by striking out "five dollars" and inserting in lieu thereof "one hundred dollars" (tax on oleomargarine dealer).

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs Mulcahy and Alverson, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | A. J. Gorham, | Zeb. A. Stewart, |
| Louis W. Arnett, | Paul Gullion, | George W. Stone, |
| E. Barry, | J. A. Hamon, | A. J. Thompson, |
| B. O. Becker, | C. W. G. Hannah, | C. F. Thornton, |
| Roger P. Blair, | H. M. McCarty, | Harry Weitkamp, |

H. Kirby Bourne,
Ed. Croan,
Lawrence J. Diskin,
Robert Enlow,
J. A. Frazier,
Ed. Mulcahy,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson,
James G. Yaden—28.

Those who voted in the negative were—

John Barr,
W. G. Baxter,
Charles C. Beard,
Peter Best, Jr.,
J. C. Byland,
M. F. Campbell,
Bennett Clarke,
J. W. Clay,
H. K. Cole,
W. H. Cole,
Henry M. Cox,
Charles I. Dawson,
A. L. Denny,
Thomas Drewry,
W. Reed Embry,
M. T. Freeman,
Taylor P. Gabbard,
Lloyd W. Gates,
W. J. Gooch,
H. H. Griffin,
John C. Griffith,
B. P. Grigsby, Sr.,
James A. Hagan,
Albert Hamilton,
L. P. Head,
D. C. Hopper,
L. F. Johnson,
W. H. Jones,
Wm. F. Klair,
Geo. D. Litsey,
Virgil McKnight,
M. H. McLean,
Henry C. Miller,
J. M. Mitchell,
V. W. Morris,
James S. Morris,
Ion B. Nall,
John R. Ray,
M. M. Redwine,
J. M. Robertson,
Richard S. Rose,
J. T. Royalty,
S. M. Russell,
J. T. Scott,
R. C. Simmons,
Emmet P. Slattery,
W. W. Smith,
Hub L. Stevens,
John A. Stevens,
C. C. Terry,
W. T. Wright,
J. A. Yates—52.

Mr. Jackson offered the following amendment to said substitute, viz.:

Strike out the word "August" wherever same occurs in article 2, and insert in lieu thereof the word "September."

Said amendment was agreed to.

Mr. Gooch offered the following amendment to said substitute, viz.:

In line 3, section 1, article 6, strike out the word "August" and insert in lieu thereof "September," and in same line strike out "September" and insert "October"; and in line 9 strike out "August"

and insert "September"; in line 2, section 5, article 6, strike out "August" and insert "September"; in line 2, section 8, article 6, strike out "five" and insert "ten."

Said amendment was agreed to.

Mr. Beard offered the following amendment to said substitute, viz.:

Amend article 12, subdivision 4, section 1, line 264, strike out "five" and insert "twenty-five" (railroad eating houses).

Said amendment was disagreed to.

Mr. Gabbard offered the following amendment to said substitute, viz.:

Amend article 12, subdivision 4, section 1, lines 16 and 17, by adding after the words "two hundred" the words "and twenty-five" (retail dealers in spirituous, vinous and malt liquors).

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Gabbard and Drewry, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| E. Barry, | H. H. Griffin, | T. J. Slaton, |
| Charles C. Beard, | John C. Griffith, | W. W. Smith, |
| B. O. Becker, | W. C. Halbert, | John A. Stevens, |
| Roger P. Blair, | Albert Hamilton, | Zeb. A. Stewart, |
| M. F. Campbell, | J. A. Hamon, | George W. Stone, |
| Bennett Clarke, | C. W. G. Hannah, | C. C. Terry, |
| Sam. D. Cochran, | D. C. Hopper, | Geo. S. Wilson, |
| H. K. Cole, | W. J. Jackson, | J. T. Wilson, |
| W. H. Cole, | W. H. Jones, | Munnell Wilson, |
| A. L. Denny, | V. W. Morris, | Wm. Wilt, |
| Robert Enlow, | John R. Ray, | J. Hal Woodford, |
| M. T. Freeman, | Richard S. Rose, | James C. Yaden, |
| Taylor P. Gabbard, | J. T. Royalty, | J. A. Yates—39. |

Those who voted in the negative were—

| | | |
|---|---|---|
| J. M. Alverson, | Lloyd W. Gates, | Ed. Mulcahy, |
| Louis W. Arnett, | W. J. Gooch, | Ion B. Nall, |
| John Barr, | A. J. Gorham, | W. J. Osborne, |
| W. G. Baxter, | B. P. Grigsby, Sr., | C. M. Paynter, |
| Peter Best, Jr., | Paul Gullion, | M. M. Redwine, |
| Joe F. Bosworth, | James A. Hagan, | J. M. Robertson, |
| H. Kirby Bourne, | L. P. Head, | S. M. Russell, |
| J. C. Byland, | L. F. Johnson, | J. T. Scott, |
| N. B. Chipman, | Wm. F. Klair, | Ed. H. Shellman, |
| J. W. Clay, | Geo. D. Litsey, | R. C. Simmons, |
| W. D. Claybrooke, | H. M. McCarty, | Emmet P. Slattery, |
| Henry M. Cox, | Virgil McKnight, | Hub L. Stevens, |
| Ed. Croan, | M. H. McLean, | A. J. Thompson, |
| Charles I. Dawson, | Henry C. Miller, | C. F. Thornton, |
| Lawrence J. Diskin, | R. W. Miller, | Harry Weitkamp, |
| Thomas Drewry, | Chris Mueller, | T. A. Weldon, |
| W. Reed Embry, | J. M. Mitchell, | W. T. White, |
| J. A. Frazier, | James S. Morris, | W. T. Wright—54. |

Mr. Bourne offered the following amendment to said substitute, viz.:

Strike out section 10 of article 2.

Said amendment was disagreed to.

Mr. McLean offered the following amendments to said substitute, viz.:

Amend subdivision 2 of article 4 by inserting after section 3 the following as section 3a:

"Every State bank and trust company incorporated under the laws of this Commonwealth, and every National bank doing business therein and located in any county, city, town or taxing district in this Commonwealth, shall make to the assessing officer of the county, city, town or taxing district a report similar to that required by this subdivision to be made to the State Board of Valuation and Assessment for assessment for State purposes. The assessing offi-

cer of the county, city, town or taxing district wherein any trust company, State or National bank is situate, shall assess the shares of such trust company, State and National bank for taxation for county, city, town and taxing district purposes in the manner prescribed in this subdivision for assessing the same by the State Board of Valuation and Assessment for taxation for State purposes, and such officer shall make out and return the assessment to the proper authorities of the county, city, town or taxing district at the same time and manner as prescribed by law for the return of the assessment of personal property therein. The equalization, collection, penalties and all laws relating thereto now provided by law for other personal property in the county, city, town or taxing district, shall apply in like manner to the collection of the taxes herein provided for; any county, city, town or taxing district not now having the right to collect such taxes by suit is hereby authorized and empowered so to do. Nothing herein shall be construed to repeal or amend chapter 33 of the Acts of 1904, approved March 18, 1904, entitled 'An act to amend the revenue laws of the cities of the first class so as to carry into effect the amendment of section 181 of the present Constitution.'"

Amend section 2, subdivision 2, article 4 by striking from and following the line of said sections the words "and for the purpose of taxation in each county, city, town and taxing district."

Amend section 3, subdivision 2 of article 4 by adding after the word county in the seventeenth line the following: "And with the assessing officer in each city, town and taxing district," and after the word sheriff in the eighteenth line, the following: "And to the collecting officers of each city, town and taxing district" and that said section be further amended by striking from said section following the word "sheriff" in the eighteenth line thereof, the following: "The Auditor shall at the expiration of thirty days after final action by said board, certify to the county clerk of each county where trust companies or banks are locted the value of the shares of the bank or trust company, less the assessed value of its real estate, and such

certificates shall be by each county clerk filed in his office and be by him certified to the proper collecting officer of the county, city, town or taxing district for collection, and each city, town or taxing district shall be entitled to collect taxes on such valuation and it shall be the duty of such banks or trust companies to pay the same to such collecting officer."

Mr. Gooch offered the following substitute for the three last above named amendments as proposed by Mr. McLean.

Amendments to section 3, sub-division 2 of article 4:

Amend by striking from line 24 on page 46 the words "city, town."

Amend by adding after the word "each" in line 25 the word "county" and by striking from said line the words "city, town."

Amend by striking from line 37 on page 47 the words "cities and towns."

Amend by adding at the end of section 3 the following:

"Provided that the shares of stock of every bank and trust company incorporated under the laws of Kentucky and every national bank doing business therein shall hereafter be valued or assessed for city taxes in all cities in this Commonwealth by the city assessor in the same manner as he assesses other property for city taxation."

Said substitute amendment was disagreed to.

The three last above-named amendments, as proposed by Mr. McLean, were severally agreed to.

Mr. George S. Wilson offered the following amendment to said substitute, viz.:

Amend article 8, section 3, by adding thereto the following "but such collector shall only be required to give bond for and collect such taxes or moneys as may be mentioned or provided for in the order of the county court appointing him."

Said amendment was disagreed to.

Mr. Alverson offered the following amendment to said substitute, viz.:

Article 12, subdivision 4, section 1 (soda fountains). Strike out all thereof except the following "on each soda fountain two dollars and fifty cents."

Said amendment was agreed to.

Mr. Thornton offered the following amendment to said substitute, viz.:

Amend section 1 of article 1, by striking out "50c" in line 1 and inserting in lieu thereof "48½c." And by striking out "20c" in line 5 and inserting in lieu thereof "21c."

Said amendment was disagreed to.

Mr. Shellman offered the following amendment to said substitute, viz.:

Amend section 10, article 2, by adding after the word "paid," in the fourth line thereof, the following, "except trust companies and building associations."

Said amendment was disagreed to.

Said substitute as amended was then agreed to.

Ordered that said bill as amended by said substitute be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed, said bill was read the third time by its title and as amended was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | Robert Enlow, | J. T. Royalty, |
| Louis W. Arnett, | J. A. Frazier, | S. M. Russell, |
| John Barr, | Lloyd W. Gates, | J. T. Scott, |
| W. G. Baxter, | W. J. Gooch, | Ed. H. Shellman, |
| B. O. Becker, | B. P. Grigsby, Sr., | R. C. Simmons, |
| Peter Best, Jr., | Paul Gullion, | T. J. Slaton, |
| Roger P. Blair, | L. P. Head, | Emmet P. Slattery, |
| Joe F. Bosworth, | L. F. Johnson, | Hub L. Stevens, |
| H. Kirby Bourne, | Geo. D. Litsey, | George W. Stone, |
| J. C. Byland, | H. M. McCarty, | A. J. Thompson, |
| J. W. Clay, | Virgil McKnight, | C. F. Thornton, |
| W. D. Claybrooke, | Henry C. Miller, | T. A. Weldon, |
| Sam. D. Cochran, | R. W. Miller, | Geo. S. Wilson, |
| H. K. Cole, | J. M. Mitchell, | J. T. Wilson, |
| Henry M. Cox, | James S. Morris, | Munnell Wilson, |
| Ed. Croan, | Ed. Mulcahy, | W. T. Wright, |
| Charles I. Dawson, | Ion B. Nall, | Will A. Young, |
| Thomas Drewry, | M. M. Redwine, | Speaker Lawrence—56 |
| W. Reed Embry, | J. M. Robertson, | |

Those who voted in the negative were—

| | | |
|---|---|---|
| E. Barry, | W. C. Halbert, | John R. Ray, |
| Charles C. Beard, | C. W. G. Hannah, | Richard S. Rose, |
| M. F. Campbell, | D. C. Hopper, | W. W. Smith, |
| N. B. Chipman, | W. J. Jackson, | John A. Stevens, |
| Bennett Clarke, | W. H. Jones, | Zeb. A. Stewart, |
| W. H. Cole, | Wm. F. Klair, | C. C. Terry, |
| Lawrence J. Diskin, | Chris Mueller, | Harry Weitkamp, |
| Taylor P. Gabbard, | V. W. Morris, | W. T. White, |
| A. J. Gorham, | W. J. Osborne, | J. Hal Woodford, |
| John C. Griffith, | Henry G. Overstreet, | James C. Yaden, |
| James A. Hagan, | C. M. Paynter, | J. A. Yates—33 |

Resolved, That the title thereof be as aforesaid.

Mr. Gooch moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

And then the House adjourned.

FRIDAY, MARCH 2, 1906.

The House opened with prayer by the Rev. T. F. Taliaferro, of the Methodist Episcopal Church, South.

The reading of the Journal of yesterday's proceeding was dispensed with and the same was approved.

Upon a call of the counties and representative districts, bills of the following titles were introduced, ordered to be printed and referred as follows, viz.:

By Mr. Alverson:

H. B. 508. An act to repeal the charter of the town of Rowland in Lincoln county.

Referred to the Committee on Municipalities.

By Mr. Munnell Wilson:

H. B. 509. An act to amend and re-enact section 1224, of sub-division 14, article 3, chapter 36 of the Kentucky Statutes.

Referred to the Committee on Kentucky Statutes.

By Mr. Arnett:

H. B. 510. An act to prevent persons not members of organizations from wearing the insignia or emblem.

Referred to Committee on Circuit Courts.

Mr. Gooch offered the following resolution, viz.:

Resolved, That there is hereby allowed to J. M. Alverson, who was appointed special messenger under resolution of this House to carry substitute for H. B. 1 to Louisville to have printed, the sum of six dollars and sixty cents, the amount of his expenses paid out on said trip. The same is hereby declared to be contingent expense of this House, and the Auditor of Public Accounts is hereby directed to draw his warrant on the Treasurer for said sum in favor of J. M.

Alverson when this resolution is certified to him by the clerk of this House.

Mr. Hannah offered the following resolution, viz.:

Be it resolved by the House of Representatives the Senate concurring; that

Whereas, The welfare and progress of this Commonwealth are materially impaired by the inefficiency of the laws governing the establishment and repair of the public roads and turnpikes in this State: therefore be it Resolved, 1st, that a commission composed of three members of the House and two members of the Senate to be appointed by the presiding officers of the respective Houses, be and the same is hereby created for the purpose of revising and codifying the laws governing the public roads and turnpikes of this Commonwealth which commissioners shall meet and make a report of their recommendation to the Governor of this State, to be transmitted to the next session of the General Assembly.

2d. The said commissioners shall meet at Frankfort, Kentucky, and for their services receive the same per diem and the same expenses as are now allowed members of the General Assembly: Provided, however, they shall not be in session in excess of twenty days. The Auditor of Public Accounts is directed upon the filing of itemized and certified accounts of such per diem and expenses as are herein provided for, to draw his warrant upon the Treasurer for payment of same.

Which was read and under the rules lies over.

Mr. Dawson offered the following resolution, viz.:

Whereas, The contest between J. P. Munsey and John C. Griffith has been decided by this body, and the sum of seventy-five dollars were allowed each contestant and contestee for attorneys' fees; And, Whereas, each of said parties were put to a greater expense than the above amount; therefore, be it

Resolved That the further sum of one hundred dollars is hereby allowed each of them for balance of attorneys' fees and expenses.

The above amounts are declared to be a contingent expense of this House. The Auditor of Public Accounts is hereby directed to draw his warrant upon the Treasurer for said sums in favor of the parties named respectively when certified to him by the chief clerk of House.

Said resolution was agreed to.

A message was received from the Senate announcing that they had passed bills, which originated in the House of Representatives of the following titles, viz.:

H. B. 407. An act to amend an act, entitled "An act to establish Houses of Reform—one for boys and one for girls—and to provide for the government thereof and making an appropriation therefor.

Which became a law March 21, 1896.

H. B. 47. An act to amend an act, entitled "An act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894.

With amendments to the last named bill.

That they had passed bills of the following titles, viz.:

(1) S. B. 29. An act to increase the annual appropriation to the Kentucky Institution for the education of the blind from $10,000.00 to $15,000.00.

(2) S. B. 37. An act to provide for the amendment and revision of section 171 of the Constitution of Kentucky.

(3) S. B. 39. An act to amend section 8 of an act, entitled "An act creating fiscal courts in the several counties of this Commonwealth," approved October 17, 1892.

(4) S. B. 196. An act to amend an act, entitled "An act relating to courts of justice," being chapter 221 of the acts of 1893, approved June 10, 1893.

(5) S. B. 244. An act to regulate burial associations and corporations and companies doing business in the State of Kentucky.

(6) S. B. 287. An act permitting persons to combine or pool their crops of wheat, tobacco and other products and sell same as a whole and making contracts in pursuance thereof valid.

Said bills were ordered to be printed and were by the Speaker referred:

One to the Committee on Appropriations.

Two to the Committee on Constitutional Amendments.

Three and four to the Committee on County and City Courts.

Five to the Committee on Corporate Institutions.

Six to the Committee on Agriculture.

That they had adopted a resolution, entitled

S. Res. 21. Resolution requesting our Representatives in Congress to favor an annual appropriation of fifty million dollars for the benefit of the rivers and harbors of the United States. (For resolution, see Senate Journal.)

By unanimous consent the rules were suspended and said resolution was twice read and concurred in.

Mr. Klair called from the clerk's desk a bill, entitled

H. B. 44. An act to amend section 31 of article 4 of an act, entitled An act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894, said section being section 3105 of the Kentucky Statutes, 1903.

Together with the amendment proposed thereto by the Senate.

Said amendment was disagreed to.

Mr. Klair called up from the clerk's desk a bill, entitled

H. B. 48. An act to amend an act, entitled An act for the government of cities of the second class in the Commonwealth of Kentucky.

Together with the amendment proposed thereto by the Senate.

Said amendment was disagreed to.

Mr. Nall, of the Committee on Enrollments, reported that they had examined and found correctly enrolled bills and joint resolutions of the following titles, viz.:

H. B. 14. An act for the benefit of the Kentucky School for the Deaf.

H. B. 41. An act amending section 1 of an act empowering county courts of this Commonwealth to authorize the drainage of lands where the same shall be conducive to the public health or convenience of its inhabitants, approved March 23, 1900, same being article 8, chapter 76, Kentucky Statutes.

H. B. 71. An act creating the office of assistant county attorney in counties having a population of 150,000 or over and prescribing the qualifications, power, duties and compensation thereof.

H. B. 77. An act amending section 1055 of the Kentucky Statutes of the edition compiled by Hon. John D. Carroll and issued in 1903.

H. B. 100. An act to amend section 9, chapter 63 of the Acts of 1902, which became a law March 1, 1902.

H. B. 39. An act to amend section 2 of an act empowering the county courts of this Commonwealth to authorize the drainage of lands when the same shall be conducive to the public health or convenience of its inhabitants, approved March 23, 1900, same being article 8, chapter 76, Kentucky Statutes.

H. B. 50. An act to repeal the charter of Elizaville, Fleming county, Ky.

H. B. 302. An act to repeal section 6 of the charter of Corinth Academy.

S. B. 144. An act to amend an act, entitled An act for the

government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894.

Thereupon all other business was suspended and said bills and joint resolutions were severally read at length and examined in open session. And, being found correctly enrolled, the Speaker, in open session, in presence of the House, affixed his signature thereto.

Ordered that the enrolling clerk deliver same to the Senate.

Mr. Embry called from the clerk's desk a bill, entitled

H. B. 9. An act to amend an act regulating terms of court in the Thirteenth Judicial District.

Together with the amendment proposed thereto by the Senate. (For bill, see House Journal, January 19, 1906.)

The amendment proposed thereto by the Senate is as follows, viz.:

Amend by striking out of line 11 the words "and eighteen to twenty-four;" strike out of line 20 the words "twenty-four," and insert in lieu thereof the word "eighteen."

Said amendment was agreed to.

Said bill as amended was then finally passed.

The yeas and nays being taken on the passage of said bill as amended, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | A. J. Gorham, | Henry G. Overstreet, |
| Louis W. Arnett, | H. H. Griffin, | C. M. Paynter, |
| John Barr, | John C. Griffith, | John R. Ray, |
| E. Barry, | B. P. Grigsby, Sr., | M. M. Redwine, |
| B. O. Becker, | Paul Gullion, | J. M. Robertson, |
| Peter Best, Jr., | James A. Hagan, | Richard S. Rose, |

H. Kirby Bourne,
J. C. Byland,
M. F. Campbell,
N. B. Chipman,
Bennett Clarke,
J. W. Clay,
W. D. Claybrooke,
Sam. D. Cochran,
H. K. Cole,
W. H. Cole,
Henry M. Cox,
Ed. Croan,
Charles I. Dawson,
A. L. Denny,
Lawrence J. Diskin,
Thomas Drewry,
W. Reed Embry,
Robert Enlow,
J. A. Frazier,
M. T. Freeman,
Taylor P. Gabbard,
Lloyd W. Gates,
W. J. Gooch,
W. C. Halbert,
Albert Hamilton,
J. A. Hamon,
C. W. G. Hannah,
L. P. Head,
D. C. Hopper,
W. J. Jackson,
L. F. Johnson,
W. H. Jones,
Wm. F. Klair,
Geo. D. Litsey,
Virgil McKnight,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
Chris Mueller,
J. M. Mitchell,
V. W. Morris,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
J. T. Royalty,
S. M. Russell,
J. T. Scott,
Ed. H. Shellman,
T. J. Slaton,
Emmet P. Slattery,
W. W. Smith,
W. H. Southall,
Hub L. Stevens,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
C. C. Terry,
C. F. Thornton,
Harry Weitkamp,
T. A. Weldon,
W. T. White,
Geo. S. Wilson,
Munnell Wilson,
James C. Yaden,
J. A. Yates,
Will A. Young—85.

In the negative—none.

Mr. Head called from the clerk's desk a concurrent resolution heretofore offered by him. (For resolution, see House Journal, February 26th.)

Said resolution was read and adopted.

The following resolutions of the State Farmers' Institute was laid before the House, viz.:

Resolved, first, That we, as a State Farmers' Institute hereby express our grateful appreciation to our present Legislature for their support of the various bills now pending, tending to the promotion of the agricultural interests of our State. We, as farmers, have watched with the deepest interest the progress of the bills

in both bodies of the General Assembly which tend toward the advancement of Kentucky's greatest interest, and we believe the time has come for Kentucky to assume and we are looking to this General Assembly to place her on an equal plane with her sister States in agricultural lines.

Resolved, second, That we heartily approve holding an annual Farmers' Institute in each county of our Commonwealth and an annual State Institute, as provided for in the Newman Senate bill 100, which has passed that body and is now on the calendar in the House of Representatives, and we earnestly petition and request the House of Representatives to pass the same.

Resolved, third, That we endorse as a great educational feature for the farmers the holding of an annual State Fair, as provided for in the Newman Senate Bill No. 101, which has passed that body and is now pending in the House of Representatives, and we urge its passage.

Resolved, fourth, That we approve the legalizing of the pooling of their interests by the farmers, as provided in the Linn Senate Bill No. 287, which is now pending, and we urge both bodies to approve same.

Resolved, fifth, That we appreciate the necessity of a first class agricultural building at the Agricultural and Mechanical College of Kentucky, and endorse the Allen Senate Bill No. 71, which is now in the House of Representatives, and we earnestly ask the passage of this measure.

Resolved, sixth, That the Newman Senate Bill No. 249 or House Bill No. 373, regulating the sale of commercial feeding stuffs, should be enacted into law, and we request and urge its passage.

Resolved, seventh, That House Bill No. 76, providing for proper nursery inspection is urgently demanded, and we petition for its passage.

Resolved, eighth, That we heartily approve legislation to prevent seed adulteration and urge the passage of the Bourne House Bill No. 60, now pending in the Senate.

Resolved, ninth, That we realize as citizens of Kentucky that former General Assemblies have permitted the agricultural and live stock interests of this State to be neglected and suffer for want of proper legislation, and we believe the enactment of the above measures by this General Assembly will cause our State to soon assume her former and rightful position as the foremost agricultural and stock breeding Commonwealth of the Union.

Resolved, tenth, That a committee be appointed to deliver a copy of these resolutions to the Senate, House of Representatives, Governor and the press.

A. H. CARDIN,
G. M. McGREW,
A. H. WITHERSPOON,
C. M. HANNA,
F. P. WALCOTT.

Which was read and ordered to be printed on the Journal.

The committees to which the same had been referred reported bills of the following titles, viz.:

By Mr. Redwine of the Committee on Kentucky Statutes,

S. B. 60. An act to regulate the assignment of future earnings or unearned wages of employes.

By Mr. Enlow of the Committee on Public Morals:

S. B. 106. An act to repeal and re-enact section 2554 of Kentucky Statutes as adopted, being a part of chapter 81, article 1, and being a portion of the act of March 10, 1894.

With an amendment thereto by way of substitute therefor.

Said bills were severally read the first time at lengh and ordered to be placed on the calendar.

By Mr. Russell, of the Committee on State Capitol, to which the same had been recommitted:

H. B. 436. An act to appropriate the additional sum of two hundred and fifty thousand dollars for the erection and completion of the Capitol and other State buildings at the seat of government now under contract and course of construction.

Said bill is as follows, viz.:

Whereas, The money heretofore appropriated for the erection and completion of the new Capitol and other necessary buildings at the seat of government, now under contract and course of construction, is not sufficient to complete said building in a manner in keeping with the wealth and dignity of the Commonwealth of Kentucky; and,

Whereas, Certain changes in the plans of said new building were suggested by the Commissioners of the sinking fund in their report to this General Assembly, which, if made, would greatly add to the beauty and stability of the new State Capitol; and,

Whereas, The interior of said new buildings should be finished in marble instead of Bedford stone; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby appropriated out of the general revenue of the Commonwealth of Kentucky the sum of two hundred and fifty thousand ($250,000) dollars, to be used in addition to the money heretofore appropriated for the erection and completion of the Capitol and other necessary buildings at the seat of government.

Said sum of two hundred and fifty thousand dollars shall be set apart by the Auditor of Public Accounts and Treasurer from the general revenue. Said sum, or any part thereof, shall be paid out by the Treasurer upon the order of the board of sinking fund commissioners when such order is signed by the chairman and secretary.

The board of commissioners of the sinking fund shall cause to be kept by its secretary a true and complete record of all the money paid out, to whom and for what purpose and under what order and contract. Monthly statements shall be made to the Governor

by the said secretary, and a full and complete report shall be made to the General Assembly in regular and extraordinary session.

§ 2. Whereas, The necessity for the erection and completion of the Capitol buildings at the seat of government produces an emergency, this act shall take effect from and after its passage.

The Committee on State Capitol originate and report this bill with an expression of opinion that it ought to become a law.

S. M. RUSSELL, Chairman,
M. M. REDWINE,
L. F. JOHNSON,
H. C. MILLER,
HENRY M. COX,
L. W. ARNETT,
T. A. WELDON,
JOS. F. BOSWORTH,
W. J. GOOCH.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | W. J. Gooch, | J. M. Robertson, |
| Louis W. Arnett, | A. J. Gorham, | S. M. Russell, |
| John Barr, | B. P. Grigsby, Sr., | J. T. Scott, |
| W. G. Baxter, | Paul Gullion, | Ed. H. Shellman, |
| Peter Best, Jr., | James A. Hagan, | R. C. Simmons, |
| Joe F. Bosworth, | L. P. Head, | T. J. Slaton, |
| J. C. Byland, | L. F. Johnson, | Emmet P. Slattery, |
| J. W. Clay, | Wm. F. Klair, | W. H. Southall, |
| W. D. Claybrooke, | Geo. D. Litsey, | Hub L. Stevens, |
| H. K. Cole, | H. M. McCarty, | George W. Stone, |

| | | |
|---|---|---|
| Henry M. Cox, | Virgil McKnight, | C. F. Thornton, |
| Ed. Croan, | M. H. McLean, | T. A. Weldon, |
| Charles I. Dawson, | Henry C. Miller, | Geo. S. Wilson, |
| A. L. Denny, | Chris Mueller, | Munnell Wilson, |
| Lawrence J. Diskin, | J. M. Mitchell, | Wm. Wilt, |
| Thomas Drewry, | James S. Morris, | W. T. Wright, |
| M. T. Freeman, | Ion B. Nall, | Will A. Young, |
| Lloyd W. Gates, | M. M. Redwine, | Speaker Lawrence—54 |

Those who voted in the negative were—

| | | |
|---|---|---|
| E. Barry, | Taylor P. Gabbard, | Henry G. Overstreet, |
| Charles C. Beard, | H. H. Griffin, | C. M. Paynter, |
| B. O. Becker, | W. C. Halbert, | John R. Ray, |
| Roger P. Blair, | Albert Hamilton, | Richard S. Rose, |
| H. Kirby Bourne, | J. A. Hamon, | J. T. Royalty, |
| W. T. Cain, | C. W. G. Hannah, | W. W. Smith, |
| M. F. Campbell, | D. C. Hopper, | John A. Stevens, |
| N. B. Chipman, | W. J. Jackson, | Zeb. A. Stewart, |
| Bennett Clarke, | W. H. Jones, | C. C. Terry, |
| Sam. D. Cochran, | R. W. Miller, | W. T. White, |
| W. H. Cole, | V. W. Morris, | J. Hal Woodford, |
| W. Reed Embry, | Ed. Mulcahy, | James C. Yaden, |
| Robert Enlow, | W. J. Osborne, | J. A. Yates—40. |
| J. A. Frazier, | | |

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the orders of the day a bill, entitled

H. B. 216. An act to divide the State of Kentucky into one hundred Representative Districts.

Together with the substitute as proposed thereto by the committee.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the State of Kentucky be, and the same is hereby, divided into one hundred Representative Districts as follows, to-wit:

The First District shall be composed of the counties of Hickman and Fulton.

Second District of the counties of Ballard and Carlisle.

Third District of the county of Graves.

Fourth District of the county of McCracken.

Fifth District of the county of Calloway.

Sixth Distict of the counties of Lyon and Marshall.

Seventh District of the counties of Crittenden and Livingston.

Eighth District of the couny of Trigg.

Ninth District of the county of Caldwell.

Tenth District of the county of Christian.

Eleventh District of the county of Hopkins.

Twelfth District of the county of Webster.

Thirteenth District of the county of Henderson.

Fourteenth District of the county of Union.

Fifteenth District of the First Legislative District of the county of Daviess, embracing the territory outside of the corporate limits of the city of Owensboro.

Sixteenth District of the Second Legislative District of the county of Daviess, embracing the territory within the corporate limits of the city of Owensboro.

Seventeenth District of the county of McLean.

Eighteenth District of the county of Muhlenberg.

Nineteenth District of the county of Todd.

Twentieth District of the county of Logan.

Twenty-first District of the county of Simpson.

Twenty-second District of the county of Allen.

Twenty-third District of magisterial districts numbers one and two in Warren county, which districts include the city of Bowling Green.

Twenty-fourth District all of Warren county, except magisterial districts numbers one and two.

Twenty-fifth District of the counties of Butler and Edmonson.

Twenty-sixth District of the county of Ohio.

Twenty-seventh District of the county of Grayson.

Twenty-eighth District of the county of Breckinridge.

Twenty-ninth District of the county of Hancock.

Thirtieth District of the county of Meade.

Thirty-first District of the county of Hardin.

Thirty-second District of the county of Larue.

Thirty-third District of the county of Hart.

Thirty-fourth District of the county of Barren.

Thirty-fifth District of the counties of Monroe and Metcalfe.

Thirty-sixth District of the counties of Wayne and Clinton.

Thirty-seventh District of the counties of Adair and Cumberland.

Thirty-eighth Distict of the counties of Green and Taylor.

Thirty-ninth District of the county of Nelson.

Fortieth District of the county of Marion.

Forty-first District of the counties of Bullitt and Spencer.

Forty-second District of the county of Washington.

Forty-third District of the counties of Casey and Russell.

Forty-fourth District of the First Legislative Distict of the county of Jefferson, embracing the teritory outside of the corporate limits of the city of Louisville.

Forty-fifth District of the Second Legislative District of the county of Jefferson, embracing the territory of the first ward of the city of Louisville.

Forty-sixth District of the Third Legislative District of the county of Jefferson, embracing the territory of the second and third wards of the city of Louisville.

Forty-seventh District of the Fourth Legislative District of the county of Jefferson, embracing the territory of the fourth and fifth wards of the city of Louisville.

Forty-eighth District of the Fifth Legislative District of the county of Jefferson, embracing the territory of the sixth and seventh wards of the city of Louisville.

Forty-ninth District of the Sixth Legislative District of the county of Jefferson, embracing the territory of the eighth and ninth wards

Fiftieth District of the Seventh Legislative District of the county of Jefferson, embracing the territory of the tenth and eleventh wards of the city of Louisville.

Fifty-first District of the Eighth District of the county of Jefferson, embracing the territory of the twelfth ward of the city of Louisville.

Fifty-second District of the counties of Oldham and Trimble.

Fifty-third District of the counties of Carroll and Gallatin.

Fifty-fourth District of the county of Henry.

Fifty-fifth District of the county of Shelby.

Fifty-sixth District of the county of Franklin.

Fifty-seventh District of the county of Anderson.

Fifty-eighth District of the county of Scott.

Fifty-ninth District of the county of Woodford.

Sixtieth District of the county of Owen.

Sixty-first District of the First Legislative District of the county of Fayette, embracing the territory outside the corporate limits of the city of Lexington.

Sixty-second District of the Second Legislative District of the county of Fayette, embracing the territory within the corporate limits of the city of Lexington.

Sixty-third District of the county of Jessamine.

Sixty-fourth District of the county of Mercer.

Sixty-fifth District of the county of Boyle.

Sixty-sixth District of the county of Lincoln.

Sixty-seventh District of the county of Garrard.

Sixty-eighth District of the county of Pulaski.

Sixty-ninth District of the counties of Whitley and Knox.

Seventieth District of the counties of Laurel and Rockcastle.

Seventy-first District of the counties of Clay, Jackson and Owsley.

Seventy-second District of the county of Madison.

Seventy-third District of the counties of Estill and Powell.

Seventy-fourth District of the county of Clark.

Seventy-fifth District of the county of Bourbon.

Seventy-sixth District of the county of Harrison.

Seventy-seventh District of the county of Grant.

Seventy-eighth District of the county of Boone.

Seventy-ninth District of the county of Pendleton.

Eightieth District of the First Legislative District of the county of Kenton, embracing the territory outside of the corporate limits of the city of Covington.

Eighty-first District of the Second Legislative District of the county of Kenton, embracing the territory of the first, second, third, sixth, ninth and tenth wards of the city of Covington.

Eighty-second District of the Third Legislative District of the county of Kenton, embracing the territory of the fourth, fifth, seventh and eighth wards of the city of Covington.

Eighty-third District of the First Legislative District of the county of Campbell, embracing the territory outside the corporate limits of the city of Newport.

Eighty-fourth District of the Second Legislative District of the county of Campbell, embracing the territory within the corporate limits of the city of Newport.

Eighty-fifth District of the county of Bracken.

Eighty-sixth District of the counties of Nicholas and Robertson.

Eighty-seventh District of the county of Mason.

Eighty-eighth District of the county of Fleming.

Eighty-ninth District of the county of Lewis.

Ninetieth District of the counties of Montgomery and Menifee.

Ninety-first District of the counties of Morgan and Wolfe.

Ninety-second District of the counties of Breathitt, Lee and Magoffin.

Ninety-third District of the counties of Bell, Harlan, Leslie and Perry.

Ninety-fourth District of the counties of Bath and Rowan.

Ninety-fifth District of the county of Pike.

Ninety-sixth District of the counties of Johnson and Martin.

Ninety-seventh District of the counties of Knott, Floyd and Letcher.

Ninety-eighth District of the counties of Boyd and Lawrence.

Ninety-ninth District of the county of Greenup.

One Hundredth District of the counties of Elliott and Carter.

All laws and parts of laws in conflict with this act are hereby repealed.

Said substitute is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the State of Kentucky be, and the same is hereby, divided into one hundred representative districts, as follows, to-wit:

The First District shall be composed of the counties of Hickman and Fulton.

Second District of the counties of Ballard and Carlisle.

Third District of the county of Graves.

Fourth District of the county of McCracken.

Fifth District of the county of Calloway.

Sixth District of the counties of Lyon and Marshall.

Seventh District of the counties of Crittenden and Livingston.

Eighth District of the county of Trigg.

Ninth District of the county of Caldwell.

Tenth District of the county of Christian.

Eleventh District of the county of Hopkins.

Twelfth District of the county of Webster.

Thirteenth District of the county of Henderson.

Fourteenth District of the county of Union.

Fifteenth District of the First Legislative District of the county of Daviess, embracing all the territory within the corporate limits of the city of Owensboro and the territory within what is known

as the Field and the Toll Gate precincts on the east side of and adjoining the said city of Owensboro.

Sixteenth District of the Second Legislative District of the county of Daviess, embracing all the territory of said county not included in the corporate limits of the city of Owensboro, or within the Field and Toll Gate precincts east of and adjoining the city of Owensboro.

Seventeenth District of the county of McLean.

Eighteenth District of the county of Muhlenberg.

Nineteenth District of the county of Todd.

Twentieth District of the couny of Logan.

Twenty-first District of the county of Simpson.

Twenty-second District of the county of Allen.

Twenty-third District of the First Legislative District of the county of Warren, embracing the territory within the following precincts surrounding and contiguous to the city of Bowling Green: Mt. Victor precinct, Watt's Mill precinct, Hazelipp's Mill precinct, Delafield precinct and Phalan precinct, and within the corporate limits of the city of Bowling Green.

Twenty-fourth District of the Second Legislative District of the county of Warren, embracing all the territory outside of the following precincts surrounding and contiguous to the city of Bowling Green: Mt. Victor precinct, Watt's Mill precinct, Hazelipp's Mill precinct, Delafield precinct and Phalan precinct, and outside of the corporate limits of the city of Bowling Green.

Twenty-fifth District of the county of Wolfe.

Twenty-sixth District of the counties of Ohio, Butler and Edmonson.

Twenty-seventh District of the county of Grayson.

Twenty-eighth District of the county of Breckenridge.

Twenty-ninth District of the county of Hancock.

Thirtieth District of the county of Meade.

Thirty-first District of the county of Hardin.

Thirty-second District of the county of Larue.

Thirty-third District of the county of Hart.

Thirty-fourth District of the county of Barren.

Thirty-fifth District of the counties of Monroe and Metcalfe.

Thirty-sixth District of the counties of Wayne and Clinton.

Thirty-seventh District of the counties of Adair and Cumberland.

Thirty-eighth District of the counties of Green and Taylor.

Thirty-ninth District of the county of Nelson.

Fortieth District of the county of Marion.

Forty-first District of the county of Bullitt.

Forty-second District of the county of Washington.

Forty-third District of the counties of Casey and Russell.

Forty-fourth District of the First Legislative District of the county of Jefferson, embracing the territory outside of the corporate limits of the city of Louisville.

Forty-fifth District of the Second Legislative District of the county of Jefferson, embracing the territory of the first ward of the city of Louisville.

Forty-sixth District of the Third Legislative District of the county of Jefferson, embracing the territory of the second and third wards of the city of Louisville.

Forty-seventh District of the Fourth Legislative District of the county of Jefferson, embracing the territory of the fourth and fifth wards of the city of Louisville.

Forty-eighth District of the Fifth Legislative District of the county of Jefferson, embracing the territory of the sixth and seventh wards of the city of Louisville.

Forty-ninth District of the Sixth Legislative District of the county of Jefferson, embracing the territory of the eighth and ninth wards of the city of Louisville.

Fiftieth District of the Seventh Legislative District of the county of Jefferson, embracing the territory of the tenth ward of the city of Louisville.

Fifty-first District of the Eighth Legislative District of the county of Jefferson, embracing the territory of the twelfth ward of the city of Louisville.

Fifty-second District of the counties of Oldham and Trimble.

Fifty-third District of the counties of Carroll and Gallatin.

Fifty-fourth District of the county of Henry.

Fifty-fifth District of the county of Shelby.

Fifty-sixth District of the county of Franklin.

Fifty-seventh District of the county of Anderson.

Fifty-eighth District of the county of Scott.

Fifty-ninth District of the county of Woodford.

Sixtieth District of the county of Owen.

Sixty-first District of the First Legislative District of the county of Fayette, embracing the territory outside of the corporate limits of the city of Lexington.

Sixty-second District of the Second Legislative District of the county of Fayette, embracing the territory within the corporate limits of the city of Lexington.

Sixty-third District of the county of Jessamine.

Sixty-fourth District of the county of Mercer.

Sixty-fifth District of the county of Boyle.

Sixty-sixth District of the county of Lincoln.

Sixty-seventh District of the county of Garrard.

Sixty-eighth District of the county of Pulaski.

Sixty-ninth District of the counties of Whitley and Knox.

Seventieth District of the counties of Laurel, Rockcastle, Clay and Leslie.

Seventy-first District of the counties of Jackson, Owsley, Perry and Letcher.

Seventy-second District of the county of Madison.

Seventy-third District of the counties of Estill, Powell and Lee.

Seventy-fourth District of the county of Clark.

Seventy-fifth District of the county of Bourbon.

Seventy-sixth District of the county of Harrison.

Seventy-seventh District of the county of Grant.

Seventy-eighth District of the county of Boone.

Seventy-ninth District of the county of Pendleton.

Eightieth District of the First Legislative District of the county of Kenton, embracing the territory outside of the corporate limits of the city of Covington.

Eighty-first District of the Second Legislative District of the county of Kenton, embracing the territory of the first, fifth and sixth wards, and precincts E and F of the fourth ward of the city of Covington.

Eighty-second District of the Third Legislative District of the county of Kenton, embracing the territory of the second and third wards, and precincts A, B, C and D of the fourth ward of the city of Covington.

Eighty-third District of the First Legislative District of the county of Campbell, embracing the territory outside the corporate limits of the city of Newport.

Eighty-fourth District of the Second Legislative District of the county of Campbell, embracing the territory within the corporate limits of the city of Newport.

Eighty-fifth District of the county of Bracken.

Eighty-sixth District of the counties of Nicholas and Robertson.

Eighty-seventh District of the county of Mason.

Eighty-eighth District of the counties of Fleming and Bath.

Eighty-ninth District of the county of Lewis and Greenup.

Ninetieth District of the county of Montgomery.

Ninety-first District of the county of Morgan.

Ninety-second District of the county of Breathitt.

Ninety-third District of the counties of Bell and Harlan.

Ninety-fourth District of the counties of Rowan and Menifee.

Ninety-fifth District of the county of Pike.

Ninety-sixth District of the Ninth Legislative District of the county of Jefferson, embracing the territory of the eleventh ward of the city of Louisville.

Ninety-seventh District of the counties of Knott, Floyd and Magoffin.

Ninety-eighth District of the counties of Boyd and Lawrence.

Ninety-ninth District of the county of Spencer.

One Hundredth District of the counties of Elliott and Carter.

All laws and parts of laws in conflict with this act are hereby repealed.

Mr. Gabbard offered the following amendment to said substitute:

Amend by striking out the counties comprising the seventy-first district and inserting the counties of Clay, Jackson and Owsley in lieu thereof.

Said amendment was disagreed to.

Mr. Young offered the following amendment to said substitute.

Amend by inserting after the word Pike in the ninety-fifth district the words Johnson and Martin.

Said amendment was agreed to.

Said substitute as amended was agreed to.

Ordered that said bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | Paul Gullion, | J. M. Robertson, |
| Louis W. Arnett, | J. A. Hamon, | J. T. Royalty, |
| John Barr, | L. P. Head, | S. M. Russell, |
| E. Barry, | W. J. Jackson, | J. T. Scott, |
| W. G. Baxter, | L. F. Johnson, | Ed. H. Shellman, |
| Roger P. Blair, | Wm. F. Klair | R. C. Simmons, |

H. Kirby Bourne,
J. C. Byland,
N. B. Chipman,
J. W. Clay,
W. D. Claybrooke,
Henry M. Cox,
Ed. Croan,
Charles I. Dawson,
Lawrence J. Diskin,
Thomas Drewry,
W. Reed Embry,
J. A. Frazier,
Lloyd W. Gates,
A. J. Gorham,
Geo. D. Litsey,
H. M. McCarty,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
Chris Mueller,
J. M. Mitchell,
James S. Morris.
Ed. Mulcahy,
Ion B. Nall,
Henry G. Overstreet,
C. M. Paynter,
M. M. Redwine,
T. J. Slaton,
Emmet P. Slattery,
Hub L. Stevens,
John A. Stevens,
George W. Stone,
C. C. Terry,
C. F. Thornton,
T. A. Weldon,
W. T. White,
Geo. S. Wilson,
J. T. Wilson,
W. T. Wright,
Will A. Young—57.

Those who voted in the negative

Charles C. Beard,
B. O. Becker,
Joe F. Bosworth,
W. T. Cain,
M. F. Campbell,
Bennett Clarke,
H. K. Cole,
W. H. Cole,
A. L. Denny,
M. T. Freeman,
Taylor P. Gabbard,
H. H. Griffin,
John C. Griffith,
W. C. Halbert,
Albert Hamilton,
C. W. G. Hannah,
D. C. Hopper,
W. H. Jones,
V. W. Morris,
Richard S. Rose,
W. W. Smith,
Harry Weitkamp,
Wm. Wilt,
James C. Yaden,
J. A. Yates—25.

Resolved, That the title thereof be as aforesaid.

And then the House adjourned until 3:00 o'clock this afternoon.

AFTERNOON SESSION.

At 3:00 o'clock, p. m.

The House met pursuant to adjournment.

A message was received from the Senate announcing that they had passed a bill, which originated in the House, entitled

H. B. 458. An act in relation to the control, management and operation of water works in cities of the first class.

With an amendment thereto.

(For bill, see House Journal of February 20th.)

The amendment as proposed thereto by the Senate is as follows, viz.:

Amend section 4 by inserting after the words "respective offices," in line four, the following:

"No member of said board except the president shall receive a salary."

Further amend section 4 by inserting after the word "their several hands," in line 11, the following: "The combined salaries of the president, treasurer and secretary shall not exceed the sum of nine thousand dollars."

Amend section 10 by leaving out the rest of the sentence after the words "receipts and expenditures" in line 6, and inserting in lieu thereof the following: "And deliver a copy thereof to the General Council of the city the same to be spread upon its minutes."

Amend by adding the following:

Section 13. Owing to the fact that cities of the first class are in urgent need of legislation to provide for the control, management and operation of waterworks engaged in supplying water to said city and the inhabitants thereof an emergency is declared and this act shall take effect and become a law from and after its passage and approval by the Governor.

The House immediately took said bill up for consideration.

Said amendments were concurred in.

Said bill as amended was then passed.

The yeas and nays being taken on the passage of said bill as amended in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

J. M. Alverson,
Louis W. Arnett,
John Barr,
E. Barry,
W. G. Baxter,
B. O. Becker,
Peter Best, Jr.,
Roger P. Blair,
H. Kirby Bourne,
J. C. Byland,
W. T. Cain,
M. F. Campbell,
Bennett Clarke,
Sam. D. Cochran,
H. K. Cole,
W. H. Cole,
Henry M. Cox,
Ed. Croan,
Charles I. Dawson,
Lawrence J. Diskin,
Thomas Drewry,
W. Reed Embry,
Robert Enlow,
J. A. Frazier,
Taylor P. Gabbard,
Lloyd W. Gates,
A. J. Gorham,
H. H. Griffin,
John C. Griffith,
Paul Gullion,
Albert Hamilton,
J. A. Hamon,
C. W. G. Hannah,
D. C. Hopper,
W. J. Jackson,
L. F. Johnson,
Wm. F. Klair,
Geo. D. Litsey,
H. M. McCarty,
Virgil McKnight,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
Chris Mueller,
J. M. Mitchell,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
M. M. Redwine,
J. M. Robertson,
J. T. Royalty,
S. M. Russell,
J. T. Scott,
Ed. H. Shellman,
R. C. Simmons,
T. J. Slaton,
Emmet P. Slattery,
W. H. Southall,
John A. Stevens,
George W. Stone,
C. C. Terry,
C. F. Thornton,
Harry Weitkamp,
T. A. Weldon,
W. T. White,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson,
W. T. Wright,
Will A. Young—70.

In the negative—Zeb A. Stewart.

That they had receded from the amendments heretofore proposed by them to bills, which originated in the House, of the following titles, viz.:

H. B. 44. An act to amend section 31 of article 4 of an act entitled "An act for the government of cities of the second class in the Commonwealth of Kentucky," approved March 19, 1894," said section being section 3105, Kentucky Statutes.

H. B. 48. An act to amend an act, entitled "An act for the gov-

ernment of cities of the second class in the Commonwealth of Kentucky.

Mr. Nall, of the Committee on Enrollments, reported that they had examined and found correctly enrolled bills and joint resolutions of the following titles, viz.:

H. B. 407. An act to amend an act, entitled "An act to establish Houses of Reform—one for boys and one for girls, and to provide for the government thereof and making an appropriation therefor.

Which became a law March 21, 1896.

Thereupon, all other business was suspended and said bills and joint resolutions were severally read at length and examined in open session. And being found correctly enrolled, the Speaker, in open session, in presence of the House affixed his signature thereto.

Ordered, that the enrolling clerk deliver same to the Senate. After a time the enrolling clerk delivered the above-named bills and joint resolutions, which originated in the House, to the chief clerk of the House.

Ordered, that said chief clerk deliver same to the Governor. After a time said chief clerk reported that he had discharged that duty.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 248. An act concerning children.

Together with an amendment proposed thereto by the committee.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. This act shall apply only to male children 17 years of age

or under and to female children 18 years of age or under who are not inmates of a State institution or any institution incorporated under the laws of the State of Kentucky for the care and correction of children, or of any reform school for juvenile offenders.

The words, "delinquent child" shall include any male child 17 years of age or under and any female child 18 years of age or under who violates any law of this State; or who is incorrigible; or who knowingly associates with thieves, vicious or immoral persons; or who without just cause and without the consent of its parents or custodian absents itself from its home or place of abode; or who is growing up in idleness or crime; or who knowingly visits or enters a house of ill-repute; or who knowingly patronizes or visits any policy shop or place where any gaming device is or shall be operated; or who patronizes or visits any saloon or dram shop where intoxicating liquors are sold; or who patronizes or visits any public pool room or bucket shop; or who wanders about the streets in the night time without being on lawful business or occupation; or who habitually wanders about any railroad yards or jumps or hooks onto any moving train; or enters any car or engine without lawful authority; or who habitually uses vile, obscene, vulgar, profane or indecent language or is guilty of immoral or disorderly conduct in any public place or highway or about any schoolhouse; or who is persistently truant from school.

Any child committing any of the acts hereinabove mentioned shall be deemed a juvenile delinquent person and shall be proceeded against as such in the manner hereinafter provided. A deposition of any child under this act or any evidence given in such cause shall not in any civil, criminal or other cause or proceeding whatever in any court be lawful or proper evidence against such child for any purpose whatever, except in subsequent cases against the same child under this act. The word "child" or "children" may mean one or more children, or the word "parent" or "parents" may mean one or both parents, when consistent with the intent of this act.

For the purposes of this act, the words "dependent child" or "neglected child" shall mean any male child 17 years of age or un-

der, or any female child 18 years of age or under, that is found begging, or receiving, or gathering alms (whether actually begging or under the pretext of selling or offering for sale anything), or being in any street, road or public place for the purpose of so begging, gathering, or receiving alms; or that is found wandering and not having any home or any settled place of abode or proper guardianship, or visible means of subsistence; or that is found destitute; or whose home by reason of neglect, cruelty or depravity on the part of its parents, guardian or other person in whose care it may be, is an unfit place for such child.

The word "association" shall include any corporation which embraces in its purposes the care or disposition of children coming within the meaning of this act.

§ 2. The county courts of the several counties of this State shall have exclusive jurisdiction in all cases coming within the terms and provisions of this act. In trials under this act, the child informed against, or any person interested in such child, shall have the right to demand for it a trial by jury, which shall be granted as in other cases unless waived, or the judge of his own motion may call a jury to try any such case. A special record book or books shall be kept by the court for all cases coming within the provisions of this act, to be known as "The Juvenile Record," and the docket or calendar of the court upon which there shall appear the case or cases under the provisions of this act shall be known as "The Juvenile Docket," and for convenience the court in the trial and disposition of such cases may be called "The Juvenile Session of the County Court." Between the first and thirty-first days of October of each year, the clerks of the county courts shall submit to the Governor a report in writing upon blanks to be furnished by the Secretary of State, showing the number and disposition of delinquent, dependent or neglected children brought before such court, together with such other useful information regarding such cases, and the parentage of such children as may be reasonably obtained at the trial thereof; provided, that the name or identity of any such child or parent shall not be disclosed in such re-

port, and that such report shall not be published at State expense.

§ 3. The county courts of the several counties in this State shall have authority to appoint or designate one or more discreet persons, man or woman, of good moral character to serve as probation officers during the pleasure of the court; said probation officers to receive no compensation from the county treasury, except as herein provided. In case a probation officer shall be appointed by the court, it shall be the duty of the clerk of the court, if practicable, to notify the said probation officer when any child is to be brought before the court; it shall be the duty of such probation officer to make investigation of such case, to be present in the court to represent the interests of the child when the case is heard; to furnish to the court such information and assistance as the court or judge may require, and to take charge of any child before and after the trial, as may be directed by the court.

In counties having a city of the first and second class, the county court may appoint one probation officer who shall be designated as chief probation officer, and one probation officer who shall be designated as assistant chief probation officer, and they shall receive a salary of not exceeding twelve hundred ($1,200) dollars and nine hundred ($900) dollars respectively per annum, and necessary expenses may be allowed said officer to an amount not exceeding eight hundred ($800) dollars per annum, in the discretion of the court, said salaries and expenses to be paid out of the county levy under orders of the fiscal court or the Board of County Commissioners, as the case may be. In counties where there is such chief probation officer, all other probation officers shall be directly under his or her control and direction, and said chief probation officer and the assistant chief probation officer, if any there be, shall possess all the power and authority of the sheriff to make arrests.

§ 4. Any reputable person being a resident of the county, having knowledge of a child in his county who appears to be either neglected, dependent or delinquent, may file with the clerk of the county court a petition in writing, setting forth the facts, verified

by affidavit. The petition shall set forth the name and residence of each parent, if known, and if both are dead, or their residence unknown, then the name and residence of the legal guardian, if known, or, if not known, then the name and residence of some near relative, if there be one, and his residence be known. It shall be sufficient that the affidavit is upon information and belief.

Upon filing of the petition a summons shall issue requiring the person having custody or control of the child, or with whom the child may be, to appear with the child at a place and time stated in the summons, which time shall not be less than twenty-four hours after service. The parents of the child, if living, and their residence, if known to the petitioner, or its legal guardian, if one there be, and his residence, if known to the petitioner, or if there be neither parent nor guardian or if his or her residence be not known, then some near relative, if his residence be known to the petitioner, shall be notified of the proceedings, and in any case the judge may appoint some suitable person to act in behalf of the child. Summons and notice may be served by the sheriff or by any duly appointed probation officer, either by reading the same to the person or persons to be served, or by delivering a copy thereof to such person or persons to be served, or by delivering a copy thereof to such person or persons, or by leaving a copy thereof at his usual place of abode, if stated in the petition or known, with some person of his family of the age of ten years or upwards, and informing such person of the contents thereof. The return of such summons and notice with the indorsement of service by the sheriff or probation officer in accordance herewith shall be sufficient proof thereof. If the person summoned as herein provided shall fail without reasonable cause to appear and abide the order of the court or bring the child, he may be proceeded against as in case of contempt of court. In case the summons can not be served or the party fails to obey the same, and in any case when it shall be made to appear to the court that such summons will be ineffectual, a warrant may issue on the order of the court either against the parent or guardian or the person having the custody of the child, or with whom

the child may be, or against the child itself, or both. On return of the summons, or other process, or on the appearance of the child, with or without summons or other process in person before the court and on the return of the service of notice, if there be any person notified, or upon the personal appearance or written consent to the proceeding of the person or persons, if any be notified, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner, and all hearings shall, so far as the same may lawfully be done, be had in chambers to the exclusion of the general public.

Until the first hearing of the case by the court, the chief probation officer or the assistant chief probation officer may parole the child upon its own recognizance or upon the recognizance of the parent or person having the custody of the child, to appear before the court at such time as may be therein fixed, or the probation officer may cause the child, if less than fourteen years of age, to be placed in the detention school hereinafter mentioned, or if the offense with which the child is charged would otherwise be either a felony or misdemeanor, the child may be placed in the detention ward of the county jail, set apart for children, if any: Provided, however, That no child under fourteen years of age shall, under any circumstances, be incarcerated in any county jail or police station, and any officer or person knowingly violating this provision of this act shall be guilty of a misdemeanor, and on conviction fined in a sum not to exceed one hundred ($100) dollars..

In all counties in which there is a city of the first class, wherein the Board of Children's Guardians has provided a temporary home for delinquent, dependent or neglected children, such home shall be used as a detention school. Where in such counties no such home has been provided, and in all counties wherein a city of the second class is located ,it shall be the duty of the fiscal court to establish and maintain a detention school not connected with the jail, which shall be in charge of a superintendent and matron, if the same be deemed necessary, who shall be husband and wife, to be appointed by the county court, and who shall receive a joint salary to

be paid out of the county levy, not to exceed one thousand ($1,000) dollars per annum. Or the county court may assign to the charge and care of said detention school the two chief probation officers hereinbefore mentioned, with or without additional salary.

The detention school shall be so arranged, furnished and conducted that, as near as practicable for their safe custody, the inmates thereof shall be cared for as in a family home and public school, and the superintendent and matron shall reside therein, and at least one shall be competent to teach and instruct children in branches of education similar to those embraced in the curriculum of the public schools of the said city and county up to, and including, the eighth grade.

§ 5. When any child within the provision of this act is arrested with or without warrant, it shall, instead of being taken before the justice of the peace or police magistrate, be taken directly before the county court, or if it be taken before a justice of the peace or police magistrate upon warrant sworn out in such court, or for any other reason, it shall be the duty of the justice of the peace or police magistrate to transfer the case to such county court, which court shall in such case proceed to hear and dispose of the case in the same manner as if the child had been originally brought before it as herein provided; provided that nothing herein contained shall be construed to deprive such justice of the peace or such police magistrate of jurisdiction as the same now exists in cases where the child is held upon a charge of having committed a felony.

Any child proceeded against as in this act provided shall have the right now given by law to any person to give bond or other security for its appearance at its trial.

§ 6. In any case of a delinquent child coming under the provisions of this act, the court may continue the hearing from time to time and may commit the child to the care of a probation officer, and may allow said child to remain in its home, subect to the visitation of the probation officer; such child to report to the court or probation officer as often as may be required and subject to be returned to the court for further proceedings whenever such action may appear necessary;

or the court may cause the child to be placed in a suitable family home, subject to the friendly supervision of the probation officer and the further order of the court; or it may authorize the child to be boarded out in some suitable family home, in case provision is made by voluntary contribution or otherwise for the payment of the board of such child, until suitable provision be made for the child in a home without such payment, or the court may commit such child to the detention house or to the House of Reform for Boys, if a boy, or to the House of Reform for Girls, if a girl, or the court may commit the child to any institution within the county incorporated under the laws of the State, that may care for children, or which may be provided by State or county or municipality, suitable for the care of such children, or to any association which may now or hereafter be established for the care of boys or girls. In no case shall a child proceeded against under the provisions of this act be committed beyond the age of twenty-one.

A child committed to any such institution shall be subject to the control of the board of managers, and the said board shall have power, with the approval of the county court, to parole such child on such conditions as it may prescribe; and the court shall, on the recommendation of the board, have power to discharge such child from custody whenever, in the judgment of the court, his or her reformation is complete; or the court may commit the child to the care and custody of some association that will receive it, embracing in its objects the care of neglected or delinquent children.

§ 7. When any child shall be found to be dependent, or neglected within the meaning of this act, the court may make an order committing the child, for such time during its minority as the court may deem fit, to the care of some reputable citizen of good moral character, or to the care of some association, society or corporation, willing to receive it, embracing in its objects the purpose of caring for or obtaining homes for dependent or neglected children. The court may thereafter set aside, change, or modify such order.

§ 8. The county judge of each county may appoint a board of not less than six nor more than ten reputable inhabitants, one of

whom shall be a member of the committee that recommends the appointment of police matrons in counties where there is such committee, who will serve without compensation, to constitute a board of visitation, whose duty it shall be to visit, as often as once a year, all institutions, societies and associations receiving children under this act; said visits shall be made by not less than two of the members of the board, who shall go together or make a joint report; the said board of visitors shall report to the court, from time to time, the condition of children received by or in the charge of such associations and institutions, and shall make an annual report to the judge of the county court.

§ 9. In any case which the court shall find a child neglected, dependent or delinquent, it may, in the same or subsequent proceedings, upon the parents of said child, or either of them, being duly summoned or volutarily appearing, proceed to inquire into the ability of such parent or parents to support the child or contribute to its support, and if the court shall find such parent or parents able to support the child or contribute thereto, the court may enter such order or decree as shall be according to equity in the premises, and may enforce the same in any way in which a court of equity may enforce its orders or decrees.

§ 10. This act shall be liberally construed, to the end that its purpose may be carried out, to-wit: That the care, custody and discipline of a child shall approximate as nearly as may be that which should be given by its parents, and in all cases where it can be properly done, the child be placed in an approved family home, with people of the same religious belief, and become a member of the family, by legal adoption or otherwise.

§ 11. All acts or laws inconsistent with the provisions of this act are hereby repealed.

The amendment proposed thereto by the committee is as follows:

In lines 18 and 19 of section 1, strike out the following words: "or jumps or hooks onto any moving train; or enters any car or engine, without lawful authority:"

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

J. M. Alverson,
Louis W. Arnett,
John Barr,
E. Barry,
W. G. Baxter,
B. O. Becker,
H. Kirby Bourne,
J. C. Byland,
M. F. Campbell,
Bennett Clarke,
J. W. Clay,
W. D. Claybrooke,
Sam. D. Cochran,
W. H. Cole,
Henry M. Cox,
Ed. Croan,
Charles I. Dawson,
A. L. Denny,
Lawrence J. Diskin,
Thomas Drewry,
J. A. Frazier,
Lloyd W. Gates,
W. J. Gooch,
H. H. Griffin,
John C. Griffith,
Paul Gullion,
W. C. Halbert,
Albert Hamilton,
L. P. Head,
D. C. Hopper,
W. J. Jackson,
L. F. Johnson,
Wm. F. Klair,
Geo. D. Litsey,
H. M. McCarty,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
Chris Mueller,
J. M. Mitchell,
V. W. Morris,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
M. M. Redwine,
J. M. Robertson,
Richard S. Rose,
J. T. Royalty,
J. T. Scott,
Ed. H. Shellman,
R. C. Simmons,
T. J. Slaton,
Emmet P. Slattery,
W. W. Smith,
W. H. Southall,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
C. C. Terry,
C. F. Thornton,
Harry Weitkamp,
T. A. Weldon,
W. T. White,
Geo. S. Wilson,
Wm. Wilt,
W. T. Wright,
James C. Yaden,
Will A. Young—56.

In the negative—none

Resolved, That the title of said bill be as follows, viz.:

An act fixing and defining the powers of the several county courts within this Commonwealth with reference to the care, treatment and control of delinquent, neglected and dependent children, and providing for the means whereby such powers may be exercised.

Mr. Klair moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

Mr. Shellman, of the committee on appropriations to which the same had been recommitted reported a bill, entitled

H. B. 112. An act to establish a system of State Normal schools in Kentucky; to divide the Commonwealth into three normal school districts; to create a board of regents for the general management of each school, and to create a normal executive council which shall determine the requirements for admission and graduation and the course of study for all the normal schools.

Together with an amendment thereto by way of substitute there for.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there shall be established and maintained, as hereinafter provided, three State Normal Schools in this State, as follows: "The Western Kentucky State Normal School," to be located in Normal School District, No. 1; "The Central Kentucky State Normal School," to be located in Normal School District, No. 2, and "The Eastern Kentucky State Normal School," to be located in Normal School District, No. 3.

§ 2. The State is hereby divided into three Normal School Districts, as follows: The counties of Fulton, Hickman, Carlisle, Ballard, McCracken, Graves, Calloway, Marshall, Livingston, Crit-

tenden, Lyon, Caldwell, Christian, Hopkins, Webster, Trigg, Union, Henderson, Daviess, McLean, Muhlenberg, Todd, Logan, Butler, Ohio, Hancock, Breckenridge, Grayson, Edmonson, Warren, Simpson, Allen, Barren, Hart, Hardin, Meade, Metcalfe and Monroe shall constitute Normal School District No. 1; the counties of Bullitt, Nelson, Washington, Marion, Wayne, Pulaski, Lincoln, Boyle, Mercer, Garrard, Jessamine, Anderson, Spencer, Jefferson, Oldham, Trimble, Carroll, Henry, Shelby, Franklin, Woodford, Taylor, Adair, Russell, Clinton, Casey, Owen, Boone, Kenton, Gallatin, Grant, Larue, Green and Cumberland shall constitute Normal School District No. 2; and the counties of Bath, Bell, Bourbon, Boyd, Bracken, Breathitt, Campbell, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Greenup, Harlan, Harrison, Jackson, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Madison, Magoffin, Martin, Mason, Menefee, Montgomery, Morgan, Nicholas, Owsley, Pendleton, Perry, Pike, Powell, Robertson, Rockcastle Rowan, Scott, Whitley and Wolfe shall constitute Normal School District No. 3.

§ 3. The objects of said State normal schools shall be to more fully carry into effect the provisions of section 183 of the Constitution of Kentucky, by giving to the teachers such training in the common school branches, in the science and art of teaching, and such other branches as may be deemed necessary by the normal executive council, as will enable them to make the common schools throughout the State efficient.

§ 4. There are hereby created board of regents for the first, second and third normal school districts in this State. Said boards shall be known respectively by the name of "The Board of Regents for Normal Schol District No. 1; "The Board of Regents for Normal Schol District No. 2,,, and "The Board of Regents for Normal Sshool District No. 3," and by their respective names shall have perpetual succession, with power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to receive by any legal mode or transfer or conveyance, property of any description, and to have and hold and enjoy the same; also to make and use a corporate seal, with power to alter the same; to adopt by-laws, rules and regulations

for the government of their members, official agents and employes; Provided, Such by-laws shall not conflict with the Constitution of the United States or the State of Kentucky.

§ 5. The board of regents for each normal school district shall be composed of five members, four of whom shall reside in the district for which they are appointed. The State School Superintendent shall be exofficio chairman of each of said boards.

§ 6. Upon the passage of this act, the Governor shall, by and with the advice and consent of the Senate, appoint four regents for each State Normal School, two of whom shall serve for two years, and two for four years, and until their successors are appointed and qualified; and two members shall be appointed in like manner every two years thereafter during the regular sessions of the General Assembly to serve for a term of four years each; and whenever a vacancy or vacancies occur in either of said boards by death, resignation, removal from the district, or by the operation of this law or otherwise, the Governor shall, in like manner, immediately appoint some competent person to fill such vacancy or vacancies, and communicate his action thereon to the Senate at the next regular session of the General Assembly thereafter. The person so appointed shall hold his office, subject to the confirmation of the Senate, for the unexpired term; Provided, That no two members of any of said boards shall be residents of any one county, and that not more than three members of any of said boards, including the State Superintendent of Public Instruction, shall belong to the same political party, and Provided further, That no person shall be eligible to serve as a member of any board of regents while acting as trustee, officer, agent or employe of any other educational institution.

§ 7. The regents shall hold their offices for the term of four years from the first day of April next succeeding their confirmation, and until their successors are duly appointed and qualified, except such as may be appointed to fill vacancies, who shall hold office for the unexpired term.

§ 8. The several boards of regents shall hold their first meeting within sixty (60) days after their appointment, the time and

place of meeting to be designated by the Superintendent of Public Instruction, who shall administer the oath of office to each member. At this meeting there shall be selected from each board a vice-president and a secretary. Each board shall also appoint a treasurer and such other officers as they may deem necessary, but no board shall appoint one of its members treasurer.

§ 9. The several boards shall meet quarterly at such time and place as may be agreed upon, and, until the buildings are arranged for and completed, as much oftener as may be necessary, but thereafter the regular meetings shall be held at the normal school buildings.

§ 10. A majority of the members of any of the boards shall constitute a quorum for the transaction of business, but no apportionment of money nor any contract which shall require any appropriation or disbursement of money shall be made, nor any teacher employed or dismissed, unless a majority of all the members of the board shall vote for the same.

§ 11. Each board of regents shall, within three months after this act goes into effect, arrange to receive from the localities in their respective districts desiring to secure the location of one of said schools, proposals for donation of a suitable site and other valuable considerations and shall locate the school in the place offering the most advantageous conditions, all things considered; Provided, That no town or city shall be selected for such location which does not have facilities for a good water supply and other conveniences necessary for the use of the institution.

§ 12. Said boards of regents shall have general control and management of their normal schools respectively, shall possess full power and authority to adopt all needful rules and regulations for the guidance and supervision of the conduct of all students of any department thereof while enrolled as such; to enforce obedience to such rules, to invest the faculty with the power to suspend or expel any pupil for disobedience to such rules, or for any contumacy, insubordination or immoral conduct, and have authority to appoint and dismiss all officers and teachers, to direct what reports shall be

made to them, to appoint a treasurer for such school, and to determine the amount of his bond which shall be in amount not less than ten thousand dollars.

§ 13. The Superintendent of Public Instruction together with the president or head executive officer of each State Normal School herein created or that may be hereafter created, and the members of the State board of examiners shall constitute a normal executive council, whose duty it shall be to prescribe the course of study to be taught in each State Normal School, and the educational qualifications for admission to and graduation from same.

§ 14. At the first meeting of the normal executive council, which shall occur within one month after the election of the presidents of the normal schools herein created, there shall be elected from the said council a vice-president and a secretary; the Superintendent of Public Instruction shall be ex-officio president of the council.

§ 15. This council shall hold its meetings annually, or as much oftener as may be deemed necessary, at the State Capitol or at one of the normal school buildings, the place of meeting to be determined by the State Superintendent of Public Instruction, and a majority of the members shall constitute a quorum.

§ 16. The board of regents shall have power and authority to confer by diploma, under their common seal, upon any student of their respective schools, such degrees as are usually granted by normal schools. The normal diploma conferred by the board of regents upon completion of the "Advanced Course," as prescribed by the normal executive council, shall entitle the holder thereof to teach in any county in this State, without further examination, until revoked by the board of regents granting same, or by a county superintendent or the State Superintendent of Public Instruction for incompetency, cruelty, immorality, drunkenness or neglect of duty; and the normal certificate, granted in like manner upon completion of the "Elementary Course" shall bear the names of the branches of study completed, and said certificate shall entitle the holder thereof to teach the branches therein named for a period of two years from date

thereof, unless sooner revoked by said board, county school superintendent, or State Superintendent of Public Instruction for one or more of the causes above specified. The secretary of each board shall annually, by the 15th of June, transmit to the State superintendent the names of those receiving such diplomas or certificates, with residence and date of issue, and the State superintendent shall annually, by the first of July, forward to each county superintendent a printed list of persons holding State certificates then in force, and those authorized to teach under the provisions of this section, giving name, residence, date of qualification, and by whom conferred, and the date each normal certificate shall expire; and the holder of such State certificate, normal diploma or normal certificate shall, before commencing to teach a public school in any county in this State, notify the county superintendent thereof of such fact, give date of qualification and by whom conferred, and the county school superintendent shall verify same by examination of the list sent him by the State superintendent, and, if found correct, shall duly record the said teacher as eligible to teach in such county.

§ 17. Each of the boards of regents shall have power to appoint and remove the president, professors and teachers of the normal school in its district, to fix their compensation, the commencement and termination of their respective terms of office, not to exceed two years for any one term; Provided, That no person shall be eligible to such appointment who is related to any member of the board.

§ 18. No president, professor or teacher shall be removed except for incompetency, neglect or refusal to perform his duty, or for immoral conduct; nor shall such president, professor or teacher be removed until after ten days notice in writing, stating the nature of the charges preferred; and such person shall have an opportunity to make a defense before the board, by counsel or otherwise, and shall be allowed to introduce testimony, which shall be heard and determined by the board. In every case of the suspension or expulsion of a student by the faculty, the person so suspended or expelled shall be allowed to appeal to the board of regents from the decision of

the faculty, and it shall be the duty of the board of regents to prescribe the manner and mode of proceeding in the matter of such appeal; but the decision of the board of regents shall be final.

§ 19. Upon the written request of any two members of the board of regents or at the request of the faculty, signed by the president, and certified by the secretary thereof, the president of the board of regents shall call a special meeting of the board and the secretary shall notify each member of the board of such special meeting and the object or objects thereof, and no other business shall be transacted at such meeting unless all the members of the board are present and consent thereto.

§ 20. No member of any board of regents nor member of the normal executive council shall draw any salary for services as such, but shall receive six cents per mile for every mile necessarily traveled in going to and from each meeting of the board, and other legitimate expenses, to be paid out of the contingent fund of the schools.

§ 21. No president, professor, teacher, regent, member of the normal executive council or other officer or employe shall keep for sale, or be interested, directly or indirectly, in the sale of any school furniture or apparatus, books, maps, charts or stationery used in said schools, nor be interested directly or indirectly, in any contract or purchase for building or repairing any structure, or for fencing or ornamenting the grounds, or furnishing any supplies or material for the use of such normal schools.

§ 22. The president of each of the boards of regents of the normal schools shall make to the State Superintendent of Public Instruction an annual report in the month of August of each year, which shall contain a full account of the acts of said board, of all receipts of moneys from appropriations, tuition fees and all other sources, and the disbursements thereof and for what purpose, and the conditions of said normal schools; also a list of the names of all students that may have been taught in the respective normal schools during the preceding year, with the age and place of residence of each, the number of terms enrolled, the number of days each has taught, and the amount of tuition or incidental fees paid.

§ 23. The treasurer of each board of regents, before he enters upon the duties of his office, shall enter into a bond to the Commonwealth of Kentucky, with not less than two solvent sureties or a guarantee company authorized to do business in Kentucky, in a sum of not less than ten thousand dollars, to be approved by the board, conditioned that he will faithfully perform all the duties required of him by law as such treasurer, which bond shall be filed with the secretary of the board.

§ 24. It shall be the duty of the treasurer of each board to receive, keep and disburse all moneys under the control of the board of regents of his district, and perform all such acts as appertain to his office, under the direction of the board of regents, and to make report of the same to the board at their quarterly meetings. The treasurer of each board shall also make and furnish to the State Superintendent of Public Instruction, in the month of August, of each year, an abstract, which shall contain a full account of all moneys received and disbursed by his respective school during the preceding year, stating from what source received, and on what account paid out, and the amount paid to each professor, teacher or other officer of the school; and said treasurer shall also, on or before the second Monday in January, 1908, and every two years thereafter, report to the General Assembly, under oath, an itemized statement of all receipts and expenditures for the two calendar years preceding, showing minutely all disbursements of moneys received from the State or other sources; and said school shall not be entitled to any appropriation unless such statement is so made. His compensation shall be fixed by the board of regents.

§ 25. It shall be the duty of the secretary of each board to keep and preserve all records, books and papers belonging to the board. He shall keep a journal of the proceedings of the board, in which the ayes and nays on all questions shall be entered, if requested by any one member of the board of regents. He shall prepare, under the direction of the board, all reports, estimates, and do and execute all such matters and things as belong to his office. His compensation

shall be fixed by the board, which in no case shall exceed $200.00 per annum.

§ 26. The boards of regents shall at their regular meetings provide for the payment of any indebtedness of their respective schools, and for that purpose, they shall set apart all moneys which may be derived from tuition or other fees paid by students, to the payment of; first, the incidental expenses of such school; and, second, the payment of such indebtedness; and until such indebtedness shall be fully paid off, no part of the fund derived from tuition or other incidental fees shall be used for the payment of professors, teachers or other officers or employes of such school, nor shall the board, until such indebtedness be fully paid, make any contract for the hire, employment or payment of professors, teachers, or other officials or employes of such schools that will require a greater sum of money for the annual payment thereof, than the amount of the appropriation by the State for the support of such schools for that year.

§ 27. All appropriations made by the General Assembly for the support of any normal school, or for the benefit thereof, and all grants, gifts, bequests or donations by an individual or corporation for a specified use shall be applied to such use or uses and no other.

§ 28. Each county in the State shall be entitled annually to the appointment of six pupils for gratuitous instruction in the normal school of the district to which such county belongs, to be chosen in the following manner: The superintendent of schools in each county shall receive and register the names of all applicants for admission to said school, and shall examine such applicants at such time and in such manner as the normal executive council may direct, and the six applicants found to possess the highest qualifications, shall be accepted as the pupils to which said county is entitled. The board of regents shall have power, in case any pupil so appointed shall refuse to sign and file with the secretary of the board of regents a declaration, that he or she will teach in the public schools of this State not fewer than three years, in case that engagements can be secured by reasonable efforts, to require said pupil to provide for the payment of such fees and tuition as the board of regents may prescribe.

§ 29. Each board of regents shall maintain in connection with its respective normal school, model and practical schools, under the supervision of thoroughly trained teachers, for the purpose of giving observation and practice work to the student teacher. These model and practice schools shall embrace not less than the first five grades in common school work and there shall be admitted to each grade not more than thirty pupils at one time. The per capita for these pupils shall be paid to the board of regents, but said boards may charge tuition in addition to the per capita.

§ 30. In order to enable the board of regents to carry into effect the provisions of this act, there is hereby appropriated the sum of one hundred and fifty thousand dollars ($150,000.00) to be divided equally among the boards of regents of the three normal schools for the purpose of erecting and equipping suitable buildings, improving grounds, etc., and the sum of seventy-five thousand dollars ($75,000.00) annually to be distributed equally among the three boards of regents for the purpose of defraying the salaries of teachers and other current expenses, Provided, That the latter appropriation shall not become effective for any school until the buildings have been erected and equipped and the school regularly opened.

Said substitute as proposed therefor by the committee is as follows, viz.:

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky.

§ 1. There shall be established and maintained, as hereinafter provided, two State Normal Schools in this State, as follows: The "Eastern Kentucky State Normal School," to be located in Normal School District No. 1; and the "Western Kentucky Normal School," to be located in Normal School District No. 2; the boundaries of which normal school districts shall be fixed by a commission appointed by the Governor for the location of normal schools as hereinafter

provided, and which districts shall, as near as may be, be equal in population.

§ 2. The object of said State Normal Sshools shall be to more fully carry into effect the provisions of section 183 of the Constitution of Kentucky, by giving to the teachers of the Commonwealth such training in the common school branches, in the science and art of teaching, and in such other branches as may be deemed necessary by the normal executive council, hereinafter created, as will enable them to make the schools throughout the State efficient.

§ 3. There is hereby created a board of regents for each of said normal schools, to be known respectively as "The Board of Regents for Normal School District No. 1," and "The Board of Regents for Normal School District No. 2." Said boards shall have perpetual succession, with power to contract and be contracted with, to sue and to be sued, to plead and be impleaded, to receive by any legal mode of conveyance property of any description, and to have and hold and enjoy the same; also to make and use a corporate seal, with power to alter the same; to adopt by-laws, rules and regulations for the government of their members, official agents and employes: Provided, Such by-laws shall not conflict with the Constitution of the United States or with the Constitution of the State of Kentucky.

§ 4. The board of regents for each of said schools shall be composed of five members, including the Superintendent of Public Instruction, who shall be a member and chairman of each of said boards.

§ 5. Within thirty days after the selection of the normal school sites, as hereinafter provided, the Governor shall appoint four regents for each of said normal schools, two of whom shall serve for two years, and two for four years, and until their successors are appointed and qualified; and two members shall be appointed in like manner every two years thereafter to serve for a term of four years each; and, whenever a vacancy or vacancies occur in either of said boards by death, resignation, removal from the district or by the operation of this law or otherwise, the Governor shall, in like man-

ner, immediately appoint some competent person or persons to fill such vacancy or vacancies. The person or persons so appointed shall hold office for the unexpired term: Provided, That no two members of either of said boards shall be residents of any one county, and that not more than three members of any of said boards, including the Superintendent of Public Instruction, shall belong to the same political party.

§ 6. Said regents shall hold their offices for a term of four years from the 1st day of April next preceding their appointment, and until their successors are duly appointed and qualified, except such as may be appointed to fill vacancies, who shall hold office for the unexpired term only.

§ 7. Each of said board of regents shall hold its first meeting within thirty days after its appointment, the time and place of meeting to be designated by the Superintendent of Public Instruction, who shall administer the oath of office to each member. At this meeting there shall be selected a vice-president and a secretary for each of said boards. Said board shall also appoint a treasurer and such officers as it may deem necessary, but no member of either of said boards shall be selected as treasurer.

§ 8. Each board shall meet quarterly at such time and places as may be agreed upon, and until the buildings arranged for and completed, and as much oftener as may be necessary; but thereafter the regular meetings of each of said boards shall be held at its respective normal school building.

§ 9. A majority of the members of said board shall constitute a quorum for the transaction of business, but no appropriation of money, nor any contract which shall require any appropriation or disbursement of money, shall be made nor teacher employed or dismissed unless a majority of all the members of the board shall vote for the same.

§ 10. Each board of regents shall have general control and management of its normal school; shall possess full power and authority to adopt all needful rules and regulations for the guidance

and supervision of the conduct of the students of any department thereof; to enforce obedience to such rules, to invest the faculty with the power to suspend or expel any pupil for disobedience to such rules, or for any contumacy, insubordination or immoral conduct, and have authority to appoint or dismiss all officers and teachers, to require such reports from such officers and instructors as it may deem necessary, to appoint a treasurer for such school and to determine the amount of his bond, which amount shall not be less than ten thousand dollars.

§ 11. The Superintendent of Public Instruction, together with the president or head executive officer of each State Normal School herein created, shall constitute a normal executive council, whose duty it shall be to prescribe the course of study to be taught in each State Normal School, and the educational qualifications for admission to and graduation from same.

§ 12. At the first meeting of the normal executive council, which shall occur within one month after the election of the presidents of the said normal schools herein created, there shall be elected from the said council a vice-president and a secretary; the Superintendent of Public Instruction shall be ex-officio president of the council.

§ 13. This council shall hold its meetings annually, or as much oftener as may be deemed necessary, at the State Capitol, or at any one of the normal school buildings, the place of meeting to be determined by the Superintendent of Public Instruction, and a majority of the members shall constitute a quorum.

§ 14. The board of regents shall have power and authority to confer by diploma, under its common seal, upon any student of said school, such certificates as are usually granted by normal schools. The normal diploma conferred by the board of regents, upon completion of the "Advanced Course" as prescribed by the normal executive council, shall entitle the holder thereof to teach in any county in this State, without further examination, until revoked by the board of regents granting same, or by a county superintendent or the State Superintendent of Public Instruction for incompe-

tency, cruelty, immorality, drunkenness or neglect of duty; and the normal certificate granted in like manner upon completion of the "Elementary Course" shall bear the names of the branches of study completed, and said certificate shall entitle the holder thereof to teach the branches therein named for a period of two years, from the date thereof, unless sooner revoked by said board, county school superintendent, or State Superintendent of Public Instruction for one or more of the causes above specified. The secretary of the board of regents shall annually, by the 15th of June, transmit to the State Superintendent the names of those receiving such diplomas or certificates, with residence and date of issue, and the State Superintendent shall annually, by the 1st of July, forward to each county superintendent a printed list of persons holding such certificates then in force, and those authorized to teach under the provisions of this section, giving name, residence, date of qualification and by whom conferred, and the date on which each normal certificate shall expire; and the holder of such State certificate shall, before commencing to teach a public school in any county in this State, notify the county superintendent thereof of such fact, give date of qualification, and by whom conferred, and the county school superintendent shall verify same by examination of the list sent him by the State Superintendent; and, if found correct, shall duly record the said teacher as eligible to teach in such county.

§ 15. The boards of regents shall have power to appoint and remove the president, professors and teachers of the normal schools, to fix their compensation, the commencement and termination of their respective terms of office, not to exceed two years for any one term.

§ 16. No president, professor or teacher shall be removed except for incompetency, neglect or refusal to perform his duty, or for immoral conduct; nor shall such president, professor or teacher be removed until after ten days' notice in writing, stating the nature of the charges preferred; and such person shall have an opportunity to make a defense before the board by counsel or otherwise,

and shall be allowed to introduce testimony, which shall be heard and determined by the board. In every case of the suspension or expulsion of a student by the faculty, the person so suspended or expelled shall be allowed to appeal from the decision of the faculty to the board of regents, and it shall be the duty of the board of regents to prescribe the manner and mode of proceeding in matter of such appeal; but the decision of the board of regents shall be final.

§ 17. Upon the written request of any two members of the board of regents, or at the request of the faculty, signed by the president, and certified by the secretary thereof, the chairman of the board of regents may call a special meeting and the object or objects thereof, and no other business shall be transacted at such meeting unless all the members of the board are present and consent thereto.

§ 18. No member of the board of regents, nor member of the normal executive council, shall draw any salary for services as such, but shall receive six cents per mile for every mile necessarily traveled in going to and from each meeting for the board, and other legitimate expenses, to be paid out of the contingent fund of the school.

§ 19. No president, professor, teacher, regent, member of the normal executive council or other officer or employe shall keep for sale, or be interested, directly or indirectly, in any contract or purchase for the building or repairing any structure, or for fencing or ornamenting the grounds, or furnishing any supplies or material for the use of said normal school.

§ 20. The president of the respective boards of regents shall make to the State Superintendent of Public Instruction an annual report in the month of August of each year, which shall contain a full account of the acts of said board, of all receipts of moneys for appropriations, tuition fees and all other sources, and the disbursements thereof, and for what purpose, and the conditions of said normal school; also a list of the names and the places of residence of all students that may have been taught in the normal school dur-

ing the preceding year, the number of terms enrolled, the number of days each has taught, and the amount of tuition or incidental fees paid.

§ 21. The treasurer of the respective board of regents, before he enters upon the duties of his office, shall enter into a bond to the Commonwealth of Kentucky, in a sum not less than ten thousand dollars, to be approved by the board, conditioned that he will faithfully perform all the duties required of him by law as such treasurer, which bond shall be filed with the secretary of the board.

§ 22. It shall be the duty of the treasurer of the board to receive and disburse all money under the control of the board of regents, and perform all such acts as pertain to his office under the direction of the board of regents, and to make a report of the same to the board at its quarterly meetings. In the month of August of each year the treasurer of said board shall also make and furnish to the board of regents, to be by it transmitted to the State Superintendent of Public Instruction an abstract, of which shall contain full account of all moneys received and disbursed by the school during the preceding year, stating from what source received and on what account paid out, and the amount paid to each professor, teacher or other officer of the school; and on or before the second Monday in January, 1908, and every two years thereafter, said treasurer shall also report to the board of regents, to be by it transmitted to the General Assembly, an itemized statement of all receipts and expenditures for the two calendar years preceding, showing minutely all disbursements of moneys received from the State or other sources. The compensation of the treasurer shall be fixed by the board of regents.

§ 23. It shall be the duty of the secretary of the board to keep and preserve all records, books and papers belonging to the board. He shall keep a journal of the proceedings of the board, in which, if requested by any member of the board of regents, the ayes and nays on all questions shall be entered. He shall prepare, under the direction of the board, all reports, estimates and to execute all such

matters as belong to his office. His compensation shall be fixed by the board.

§ 24. The respective boards of regents shall at their regular meetings provide for the payment of any indebtedness of the school, and for that purpose they shall set apart all moneys which may be derived from tuition or other fees paid by students to the payment of, first, the incidental expenses of such school; and, second, the payment of such indebtedness; and until such indebtedness shall be fully paid off, no part of the fund derived from tuition or other incidental fees shall be used for the payment of professors, teachers or other employes of such school, nor shall the board, until such indebtedness be fully paid, make any contract for the hire, employment or payment of professors, teachers or other officials or employes of such school than will be a greater sum of money for the annual payment thereof than the amount of the appropriation by the State for the support of said normal school for that year.

§ 25. All appropriations made by the General Assembly for the support of normal schools, or for the benefit thereof, and all grants, gifts, bequests or donations by any individual or corporation for a specified use, shall be applied to such use or uses, and no other.

§ 26. Each legislative district in the State shall be entitled annually to the appointment of ten pupils for gratuitous instruction in the normal school, to be chosen in the following manner: The superintendent of schools in each county shall receive and register the names of all applicants for admission to said school, and shall examine such applicants at such time and in such manner as the normal executive council may direct, and the ten applicants found to possess the highest qualifications shall be accepted as the pupils to which said district is entitled. Said appointments shall be for the full term of the prescribed course of study in the school. Any vacancy in any district may be filled in the same manner as provided for regular appointments. Should the number of applicants during any term not reach the number allowed for the district, said district may, during any other term, appoint a sufficient number to make the aver-

age for any year that to which the district is entitled under the provisions of this section. The board of regents shall have power, in case any pupil so appointed shall refuse to sign and file with the secretary of said board a declaration that he or she will teach in the public schools of this State, not fewer than three years, in case engagement can be secured by reasonable effort, to require said pupil to provide for the payment of such fees and tuition as the board of regents may prescribe.

§ 27. The board of regents of each school may maintain in connection with the said normal schools a model and practice school, under the supervision of thoroughly trained teachers, for the purpose of giving observation and practice work to the student teachers.

§ 28. The Governor shall, within thirty days after this act becomes a law, appoint a commission, composed of seven persons, one from each appellate district of the State, who shall, within thirty days after their appointment, meet at Frankfort, Kentucky, on a date fixed by the Governor, and organize and arrange to receive from those localities in Kentucky desiring to secure the location of said schools proposals for donations of suitable sites, and other valuable considerations, and shall within ninety days after their appointment locate the said schools in said normal school districts at the place making the most advantageous offers, all things considered. All proposals for sites or locations for the schools shall be in writing, and shall be entered at large on the records of the commission, and the findings of the commission fixing the locations shall be in writing, and entered at large on the records of the said commission: Provided, That no town or city shall be selected for the location of said school which does not have facilities for a good water supply and other conveniences necessary for the institution.

§ 29. In order to enable the boards of regents to carry into effect the provisions of this act, there is hereby appropriated the sum of ten thousand dollars ($10,000), to be divided equally between the two normal schools herein provided for, for the purpose of equipping suitable buildings, improving grounds, etc., and the sum

of forty thousand dollars ($40,000) annually, to be divided equally between the two schools for the purpose of defraying the salaries of teachers and other current expenses: Provided, That the latter appropriation shall not become effective for any school until the buildings have been equipped and the school regularly opened.

§ 30. The money hereby appropriated for equipment shall be available immediately for each of said normal schools upon the delivery of a good general warranty deed, conveying to the Commonwealth the property to be donated as above provided and its acceptance by the locating commission. The money appropriated under this act for the equipment and maintenance of the schools shall be disbursed as follows, viz.: The chairman and secretary of the board of regents shall draw their warrants for the equipment and maintenance of each school provided for under this act on the Auditor of Public Accounts, payable to the treasurer of each normal school, and upon receipt of said draft by the auditor he shall draw his warrant for the proper amount upon thetreasurer of State. The money authorized to be paid out of the State Treasury under this act shall be paid out of the general funds not otherwise appropriated.

§ 31. Whereas, In order to open during the present year the normal schools provided for in this act. it is necessary that the same become effective as soon as possible; and Whereas, A public necessity exists for the immediate establishment and opening of normal schools in this State, in order to make its common school system more effective as required by the Constitution of Kentucky, an emergency is therefore declared to exist, and this act shall take effect from and after its passage and approval by the Governor.

Said substitute was agreed to.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in ac-

cordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | Taylor P. Gabbard, | John R. Ray, |
| Louis W. Arnett, | Lloyd W. Gates, | M. M. Redwine, |
| John Barr, | W. J. Gooch, | J. M. Robertson, |
| E. Barry, | A. J. Gorham, | Richard S. Rose, |
| W. G. Baxter, | John C. Griffith, | J. T. Royalty, |
| B. O. Becker, | Paul Gullion, | S. M. Russell, |
| Peter Best, Jr., | W. C. Halbert, | J. T. Scott, |
| Roger P. Blair, | Albert Hamilton, | Ed. H. Shellman, |
| Joe F. Bosworth, | J. A. Hamon, | R. C. Simmons, |
| H. Kirby Bourne, | C. W. G. Hannah, | T. J. Slaton, |
| J. C. Byland, | L. P. Head, | Emmet P. Slattery, |
| W. T. Cain, | D. C. Hopper, | W. W. Smith, |
| M. F. Campbell, | W. J. Jackson, | W. H. Southall, |
| N. B. Chipman, | L. F. Johnson, | John A. Stevens, |
| Bennett Clarke, | W. H. Jones, | Zeb. A. Stewart, |
| W. D. Claybrooke, | Wm. F. Klair, | George W. Stone, |
| Sam. D. Cochran, | Geo. D. Litsey, | C. C. Terry, |
| H. K. Cole, | H. M. McCarty, | C. F. Thornton, |
| W. H. Cole, | Virgil McKnight, | Harry Weitkamp, |
| Henry M. Cox, | M. H. McLean, | T. A. Weldon, |
| Ed. Croan, | Henry C. Miller, | W. T. White, |
| Charles I. Dawson, | R. W. Miller, | J. T. Wilson, |
| A. L. Denny, | Chris Mueller, | Munnell Wilson, |
| Lawrence J. Diskin, | J. M. Mitchell, | Wm. Wilt, |
| Thomas Drewry, | V. W. Morris, | W. T. Wright, |
| W. Reed Embry, | Ion B. Nall, | James C. Yaden, |
| J. A. Frazier, | W. J. Osborne, | J. A. Yates, |
| M. T. Freeman, | C. M. Paynter, | Will A. Young—83. |

In the negative—none.

Resolved, That the title of said bill be as follows, viz.:

An act to establish a system of State Normal Schools, in Kentucky, to create boards of regents for the general management there-

of; to create a normal executive council which shall determine the requirements for admission and graduation, and the courses of study for the said schools; to create a commission which shall determine the location of said schools, and to appropriate funds for their maintenance.

Mr. R. W. Miller moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill entitled

H. B. 163. An act for the conservation and protection of oil and gas in the Commonwealth of Kentucky, and to prevent the flooding and consequent destruction of oil and gas under lands of another.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be unlawful for any person or persons, corporations or companies to abandon any oil or gas wells, either dry or producing, in this Commonwealth, or to remove casings therefrom, whether same be either oil or gas, either producing or dry, or for any cause abandon said well or wells, without first plugging same in a secure manner by placing a plug of pine, poplar, or some other material which will prevent said well from becoming flooded, said plug to be placed above the oil producing sand or sands, and filled in above for the distance of seven feet with sediment or clay and placing upon same another plug of similar material as that of the first and also placing about ten feet below the said casing another plug of like material as above referred to, seven feet of sediment or of clay, and then another plug, all plugs to be securely driven in so that no water can pass the same, before the casing is removed.

§ 2. Any person or persons, corporations or companies refusing or failing to comply with the foregoing provisions as provided for

in section 1, herein, shall, on conviction be fined in any sum not less than one hundred dollars or not more than one thousand dollars in the discretion of the jury.

§ 3. All acts or parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time byt its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

J. M. Alverson,
Louis W. Arnett,
John Barr,
Peter Best, Jr.,
H. Kirby Bourne,
W. T. Cain,
M. F. Campbell,
Sam. D. Cochran,
H. K. Cole,
W. H. Cole,
Henry M. Cox,
Charles I. Dawson,
A. L. Denny,
Lawrence J. Diskin,
Thomas Drewry,
W. Reed Embry,
Robert Enlow,
Taylor P. Gabbard,
Lloyd W. Gates,
W. J. Gooch,
A. J. Gorham,
John C. Griffith,
Paul Gullion,
W. C. Halbert,
Albert Hamilton,
J. A. Hamon,
L. P. Head,
W. J. Jackson,
L. F. Johnson,
Wm. F. Klair,
Geo. D. Litsey,
H. M. McCarty,
Henry C. Miller,
R. W. Miller,
Chris Mueller,
J. M. Mitchell,
Ed. Mulcahy,
C. M. Paynter,
M. M. Redwine,
J. M. Robertson,
Richard S. Rose,
J. T. Royalty,
S. M. Russell,
J. T. Scott,
Ed. H. Shellman,
R. C. Simmons,
T. J. Slaton,
Emmet P. Slattery,
W. W. Smith,
W. H. Southall,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
C. C. Terry,
Harry Weitkamp,
T. A. Weldon,
Geo. S. Wilson,
W. T. Wright—58.

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

Mr. Johnson moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill entitled

H. B. 176. An act to amend chapter 35, section 1031 of the edition of the Kentucky Statutes, compiled and edited by John D. Carroll, and issued in 1903.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter 35, section 1031, of the edition of the Kentucky Statutes, compiled and edited by John D. Carroll, and issued in 1903, be, and the same is hereby, amended by striking from said section the following words: "Excepting the month of September, when they shall attend on the third Monday," and the word "and," between the words "July" and "August," and by adding immediately after the word "August," the words "and September;" so that said section as amended, shall read as follows:

"There shall be summoned by the sheriff of the county twelve grand jurymen, to attend on the first Monday of the next month (excepting July, August and September), the criminal branch of such court."

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

J. M. Alverson,
John Barr,
H. Kirby Bourne,
M. F. Campbell,
Bennett Clarke,
H. K. Cole,
Charles I. Dawson,
A. L. Denny,
Lawrence J. Diskin,
Thomas Drewry,
W. Reed Embry,
Robert Enlow,
J. A. Frazier,
M. T. Freeman,
Taylor P. Gabbard,
Lloyd W. Gates,
W. J. Gooch,
H. H. Griffin,
John C. Griffith,
Paul Gullion,
Albert Hamilton,
L. P. Head,
D. C. Hopper,
W. J. Jackson,
L. F. Johnson,
Wm. F. Klair,
Geo. D. Litsey,
M. H. McLean,
R. W. Miller,
Chris Mueller,
J. M. Mitchell,
V. W. Morris,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
C. M. Paynter,
M. M. Redwine,
Richard S. Rose,
J. T. Royalty,
J. T. Scott,
Ed. H. Shellman,
R. C. Simmons,
T. J. Slaton,
Emmet P. Slattery,
W. W. Smith,
W. H. Southall,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
Harry Weitkamp,
T. A. Weldon,
Geo. S. Wilson,
Munnell Wilson,
W. T. Wright,
J. A. Yates—55.

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

Mr. Chris. Mueller moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

Mr. Cochran of the committee on internal improvements to which the same had been recommitted reported a bill, entitled

H. B. 322. An act to amend and re-enact subsections 1, 11, 16, 19, 20, 22, 23, 24 and 26 of section 2380 and subsections 4, 5 and 7 of section 2412a of the 1903 edition of Carroll's Kentucky Statutes, which relate to the drainage of lands in this Commonwealth.

Together with an amendment thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That subsection 1 of section 2380 of the Kentucky Statutes be, and the same is hereby amended and as amended said subsection shall read: That the county judge of any county shall have power at any regular session of the county court, when the same shall be conducive to the public health, convenience, or welfare, or when the same will be of public benefit or utility to the people in whose vicinity any creek, drain, ditch or water course is located, to cause to be constructed or cleaned out, drained or widened, or deepened, or otherwise improved, or all, as hereinafter provided, any such ditch, drain, water course or creek, with or without arms, or branches, or forks, or tributaries within said county.

That subsection 2 of section 2380 of the Kentucky Statutes be, and the same is hereby amended and as amended said subsection 2 shall read:

§ 2. Any person or persons interested in the location of said proposed ditch may file exceptions, or a remonstrance against the ditch by setting forth his grievance therein, and any person deeming his assessment too high, or the damage allowed him too low, may also except, or remonstrate for such reason against the action of the viewers, but before filing such remonstrance or exception, the person or persons, so excepting or remonstrating shall file with the county clerk of said county a bond for the payment of the costs that may accrue upon said exceptions or remonstrance, with at least two freehold sureties, to be approved by the county judge, upon the condition that he will duly prosecute said exceptions or remonstrances and pay all costs that may be adjudged against him upon same, and thereupon the court shall appoint three disinterested freeholders and householders of the county (not of kin to any person interested in the proposed work) as reviewers, to meet at a specified time and place preparatory to commencing said review. And it shall be the duty of the clerk thereupon to issue to said reviewers a certified copy of the petition and remonstrance, and the order of the court appointing such reviewers.

That subsection 16 of section 2380 of the Kentucky Statutes be, and the same is hereby amended, by repealing the whole of said subsection, and enacting in lieu thereof as subsection 16, these words, which read:

§ 16. Whenever the court establishes the public ditch, drain or water course, he shall certify to the sheriff the estimate of the total cost of construction of the work and the amount set apart and apportioned to each parcel of land to each corporate road, or railroad, or county whose highways are benefited, together with the cost of said petition and all other necessary and proper expenses incurred in the establishing of said ditch, which report or certificate shall be a copy of the same filed by the viewers in said cause, and shall also be signed by the said viewers and approved by the county judge. When this shall come to the hands of the sheriff it shall become his duty to notify each party against whose land assessments are made that same are in his hands for collection and that unless same are paid within 120 days, that a penalty of six per cent. of the sum assessed shall be added to said assessment; and such penalty shall become part of the ditch fund for the keeping and maintenance of said ditches after the costs of collecting same are paid. If said assessments are not paid to the sheriff as before set out, on or before 120 days upon his receipt of said assessments, then he shall collect same as other revenues and taxes, at the same time and in the same manner as provided by the laws of the State of Kentucky for their collection, together with the penalty of six per cent. as hereinbefore provided. The sheriff shall keep a separate book showing in full the amount of assessment made in each ditch petitioned, and showing the amount due from each party, as well as the amount of land assessed, and showing the amount collected by him and at each term of the county court, after the recipt of said assessments, he shall make a written report to the said court of all amounts collected by him and any amounts yet due and uncollected, which shall be filed and certified to the county court clerk, recorded in the ditch book kept by said clerk, and upon the approval of said report by the county judge, he shall

pay over to the ditch commissioner upon the order of the county judge any and all money that may be in his hands, specifying in each instance against what ditch said collections are made and shall take the said commissioner's receipt therefor, which he shall file with his next report. The sheriff shall be paid for the collection of said assessments, costs, etc. six per cent. upon all amounts collected by him.

Subsection 19 of section 2380 of the Kentucky Statutes shall be amended by striking out all the words contained by said section and adding in lieu thereof these words, which shall read:

After the transcript of the proceedings had in the circuit court and all other papers in the case are returned to the county clerk's office the clerk shall cause such entry to be made on the records as may be necessary to give effect to the judgment of the circuit court, within fifteen days from the order of the said circuit court, or if there be no appeal within twenty days from the establishing of said ditch, drain or water course, the ditch commissioner shall let out contracts for the work in accordance with the report of the viewers to the lowest and best bidders, at such a price not to exceed the estimated cost as set out in the viewers' report. He shall have the power to allot all or any portion of said work to a contractor, but before doing same he shall take from said contractor a contractor's bond, with two freehold securities, payable to the Commonwealth of Kentucky, to be approved by the county judge, conditioned that he will perform his contract and pay all damages which may accrue to any person, or persons by reason of his failure to complete the job within the time required in the contract thereof. Before allotting said contract or contracts the commissioner shall cause to be published in some paper in the county, in which the said drain, ditch or water course is proposed to be established, an advertisement that he will, on some certain day, at the court house in said county, receive bids for the work upon said ditch, which notice shall be published for two successive weeks before letting of said contract, and shall also post a copy of said notice at the court house door, and in three public places in the vicinity of said ditch, drain or water course. Any con-

tract not completed within the time fixed in the contract and bond, shall be relet by the said commissioner to the lowest responsible bidder who shall give a like bond as the original bidder, and the person and his security, to whom the contract was first let shall be liable for the additional costs and expenses which may be incurred by his failure to complete the work as required by his contract.

That subsection 20 of section 2380, Kentucky Statutes shall be amended by striking out all the words of said subsection 20.

That subsection 22, 23, 24 of section 2380, Kentucky Statutes be, and the same is hereby amended and when so amended shall read:

§§ 22, 23, 24. The county judge of the county in which any such ditch shall be established, or judge of the county in which the greater length of any such ditch is established, in case it shall be established in two or more counties, shall appoint a commissioner thereof whose duty it shall be to keep the ditch at all times open and free from drift and obstruction of all kinds, and his compensation shall be fixed by the fiscal court of such county. And all lands originally assessed for the construction of said ditch shall contribute in proportion to their original assessment to provide a fund for the payment of the commissioner's salary, and the other necessary cost of keeping such ditch open and free from obstructions: Provided, however, That no assessment for such purpose shall exceed ten per cent. of the original assessment, and shall be made by the fiscal court of such county in which such commissioner is appointed, and such assessment when made shall be placed in the hands of the sheriff and collected as other taxes are collected, and when so collected, shall be turned over to the ditch commissioner, and shall be paid out by him only upon the order of the county judge. The commissioner may employ such help as may be necessary, with the approval of the county judge, to keep the ditch open and free from obstruction, and the help so employed shall be paid by the commissioner upon the order of the county judge. The commissioner shall report in writing to the county court every three months all receipts and expenditures had and made by him, and the condition of all the ditches in his county under

his control, and each report shall be certified by the county judge to the fiscal court at its next regular meeting. The commissioner shall execute a bond with good and sufficient freehold securities payable to the Commonwealth of Kentucky, to be approved by the county judge, conditioned upon the faithful performance of his duties as said commissioner.

That subsection 26 of section 2380, Kentucky Statutes be amended, and when so amended shall read:

§ 26. The commissioner of ditches of any county shall provide a suitable book at the expense of the county, in which to keep such ditch accounts and shall open therein an account with each public ditch, drain or water course in his county in the name of which the same is generally known, and he shall charge all assessments and credit all payments made in each case. The money collected shall constitute a separate and special fund, and shall be paid out by the commissioner upon the order of the county judge to the persons entitled to the same by the provisions of this act.

That subsection 5 of section 2412a, Kentucky Statutes shall be amended and when amended shall read:

§ 5. All fines, forfeitures or penalties provided for in this act may be recovered in the county court or any other court of competent jurisdiction.

That subsection 7 of section 2412a, Kentucky Statutes shall be amended by striking out all of the words contained in said subsection.

Said proposed amendment is as follows, viz.:

Amend said bill by striking out the words "water course and creek" wherever they appear therein.

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said

bill at length, being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | A. J. Gorham, | John R. Ray, |
| Louis W. Arnett, | H. H. Griffin, | M. M. Redwine, |
| John Barr, | John C. Griffith, | J. M. Robertson, |
| H. Kirby Bourne, | Paul Gullion, | Richard S. Rose, |
| M. F. Campbell, | Albert Hamilton, | J. T. Royalty, |
| Bennett Clarke, | L. P. Head, | S. M. Russell, |
| J. W. Clay, | D. C. Hopper, | J. T. Scott, |
| Sam. D. Cochran, | L. F. Johnson, | Ed. H. Shellman, |
| H. K. Cole, | Wm. F. Klair, | R. C. Simmons, |
| Henry M. Cox, | Geo. D. Litsey, | T. J. Slaton, |
| Charles I. Dawson, | H. M. McCarty, | Emmet P. Slattery, |
| A. L. Denny, | M. H. McLean, | W. H. Southall, |
| Lawrence J. Diskin, | Henry C. Miller, | Zeb. A. Stewart, |
| W. Reed Embry, | R. W. Miller, | George W. Stone. |
| J. A. Frazier, | J. M. Mitchell, | Harry Weitkamp, |
| M. T. Freeman. | Ed. Mulcahy, | T. A. Weldon, |
| Taylor P. Gabbard, | Ion B. Nall, | Geo. S. Wilson, |
| Lloyd W. Gates, | W. J. Osborne, | Munnell Wilson, |
| W. J. Gooch, | C. M. Paynter, | W. T. Wright—57. |

In the negative—none.

Resolved, that the title of said bill be as aforesaid.

Mr. George S. Wilson moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

Leave of absence for an indefinite length of time was granted Mr. Yaden.

And then the House adjourned.

SATURDAY, MARCH 3, 1906.

The House opened with prayer by the Rev. C. R. Hudson, of the Christian church.

The reading of the Journal of yesterday's proceedings was dispensed with and the same was approved.

Mr. R. W. Miller offered the following resolution, viz.:

Whereas, The insurance laws of this State have not been revised for a number of years, and many of them should be, and other laws enacted for the benefit of the people of the Commonwealth of Kentucky,

Be it resolved by the General Assembly of the Commonwealth of Kentucky, That a committee of seven be appointed, to be composed of three members of the House and three members of the Senate and the Insurance Commissioner of the State, who shall be chairman of said committee; that the Speaker of the House and the President of the Senate shall be members of said committee, and that the Speaker of the House shall appoint two members of the House, and the President of the Senate shall appoint two members of the Senate. The said committee shall revise insurance laws of this State and suggest any new ones that may be appropriate and proper for the welfare for the citizens of the State, and report their acts to the next General Assembly. The committee is authorized to hold its meetings at the State Capitol, or at other places in the State, and to hear any and all persons that may be interested in the insurance laws of the State. The said committee is authorized to attend any meetings that are national in character and to confer with similar committees of other States. The expenses of said committee shall be paid from the insurance fund of the State on vouchers signed by the Insurance Commissioner, as other moneys are now paid out of said fund.

The Insurance Commissioner is authorized and requested to attend the meetings of any committee of which he may be a member, composed of the representatives of the several States, for the purpose of securing information as to proper laws to be enacted in this State, and he is authorized to pay his expenses out of the insurance fund of this State.

Said resolution was read and ordered to lie over.

A message was received from the Senate announcing that they had passed bills, which originated in the House of Representatives of the following titles, viz.:

H. B. 152. An act to repeal an act relating to cities of the fourth class

H. B. 154. An act to repeal an act relating to cities of the fourth class.

H. B. 140. An act to amend section 1 of an act entitled "An act regulating the holding of circuit courts in cities larger than county seats, and located more than 17 miles from the county seat."

With an amendment to the last named bill.

That they had adopted resolutions and passed bills of the following titles, viz.:

(1) S. Res. 7. Resolution for the benefit of Dr. Hugh L. Tobin's widow and children.

(2) S. Res. 20. Resolution authorizing a revision and recommendation of insurance laws of Kentucky and authorizing the appointment of a commission therefor.

(3) S. B. 27. An act to repeal and re-enact subdivision 1 of article 15 of chapter —, Kentucky Statutes, entitled "Exempted personal property," the sections repealed being sections 1697, 1698, 1699, 1700 and 1701.

(4) S. B. 249. An act to regulate the sale of concentrated com-

mercial stuffs defining same and fixing penalties for violations therefor.

(5) S. B. 285. An act to amend section 20 of article 4 of an act, entitled "An act for the government of cities of the second class in the Commonwealth of Kentucky," approved March the 19th, 1894.

Said resolutions and bills were ordered to be printed and were by the Speaker referred

One and two, to the Committee on Appropriations.
Three, to the Committee on Judiciary.
Four, to the Committee on Agriculture.
Five, to the Committee on Municipalities.

A message was received from the Governor announcing that he had approved and signed bills which originated in the House of Representatives of the following titles, viz.:

H. B. 20. An act to promote the sheep industry and provide a tax on dogs.

H. B. 93. An act concerning circuit courts having continuous sessions and two judges.

H. B. 94. An act to authorize and add one additional judge to the circuit court for the sixteenth circuit court district and providing for the appointment and election thereof.

H. B. 145. An act providing the manner of adding one additional judge to circuit courts of continuous session in counties constituting separate judicial districts having one judge and establishing the divisions thereof.

Mr. Nall, of the Committee on Enrollments, reported that they had examined and found correctly enrolled bills and joint resolutions of the following titles, viz.:

H. B. 44. An act to amend section 31 of article 4 of an act, entitled "An act for the government of cities of the second class in the

Commonwealth of Kentucky, approved March 19th, 1894, said section being section 3105 of the Kentucky Statutes.

H. B. 48. An act to amend and re-enact section 27 of article 4 of an act, entitled "An act for the government of cities of the second class in the Commonwealth of Kentucky," approved March 19, 1894, being section 3104, Kentucky Statutes.

Thereupon all other business was suspended and said bills and joint resolutions were severally read at length and examined in open session. And being found correctly enrolled, the Speaker, in open session, in presence of the House, affixed his signature thereto.

Ordered that the enrolling clerk deliver same to the Senate.

The committees, to which the same had been referred, reported bills of the following titles, viz.:

By Mr. Simmons of the Committee on Judiciary.

H. B. 439. An act to amend chapter 58, of the Kentucky Statutes relating to gaming.

By same:

H. B. 454. An act relating to the furnishing of cars to shippers and to the transportation of freight by railroads and other common carriers.

By same:

H. B. 407. An act to require all notes and other evidences of debt held by any person or corporation other than a bank or trust company or such other corporation whose property is now assessed for taxation by the State Board of Assessment and Valuation to be stamped by the assessor of the county wherein the owner thereof resides and penalty for failure to do so.

By same:

H. B. 90. An act to amend section 950 of the Kentucky Statutes of 1903.

By Mr. Terry, of the Committee on State Prisons and Houses of Reform.

H. B. 164. An act to appropriate $50,000.00 for the benefit of the Kentucky House of Reform.

By Mr. Enlow, of the Committee on Public Morals.

H. B. 451. An act to amend an act regulating the keeping open a bar room or other place for the sale of spirituous, vinous or malt liquors.

By same:

H. B. 446. An act to appropriate $2,500.00 to assist in erecting a tablet in Larue county to the memory of Abraham Lincoln.

By Mr. Redwine, of the Committee on Kentucky Statutes:

S. B. 193. An act to amend section 4545 of the Kentucky Statutes dispensing with the presence of the Secretary of State in court to identify certified copies of records from his office.

By Mr. Redwine, of the Committee on Charitable Institutions:

H. B. 382. An act to appoint commissioners to purchase for the Commonwealth of Kentucky the property known as Crab Orchard Springs property situated in Lincoln county for the establishment of an asylum for the care and keeping of pauper idiots, epileptics and harmless incurables, and to appropriate for that purpose, $42,000.00.

By same:

S. B. 162. An act creating and establishing a Board of Commissioners to be known as the Kentucky State Board of Control for Charitable Institutions and prescribing its duties and powers.

By same:

S. B. 164. An act to amend an act, entitled "An act to provide for the establishment and maintenance of a Confederate Home to be

a charitable institntion of the State of Kentucky and providing for the care and maintenance of the infirm and dependent Confederate soldiers of the State of Kentucky and to provide under proper conditions for admission and care of soldiers who may have wives and for those who may have rendered service to the Confederate Cause," approved March 27, 1902, and amended by an act, approved March 26, 1904.

By same:

H. B. 125. An act appropriating funds for the improvement of the Feeble Minded Institute.

By Mr. H. K. Cole, of the Committee on Internal Improvements:

S. B. 264. An act authorizing the county courts of counties maintaining a system of free turnpikes to erect toll gates and collect toll to keep the same in repair.

By same:

S. B. 222. An act to amend section 27, chapter 47, of the Acts of 1894, being section 4313 of the Kentucky Statutes, which said section, chapter and act were approved March 10, 1894, and relates to public roads.

By Mr. McLean, of the Committee on Municipalities:

S. B. 65. An act to amend and re-enact section 28, of article 5, of an act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894, said section being section 3133 of the Kentucky Statutes, 1903.

By same:

S. B. 40. An act to amend subsection 27, of section 1, article 4, of an act, entitled "An act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894, being subsection 27 of 3058, Kentucky Statutes.

By same:

S. B. 140. An act concerning bonds required to be executed by persons acting in fiduciary capacities.

By same:

H. B. 70. An act to amend section 3176, Kentucky Statutes.

By same:

H. B. 480. An act to amend section 3287 of Kentucky Statutes, being a part of charters of cities of the third class.

With an amendment thereto by way of substitute therefor.

By Mr. Shellman, of the Committee on Charitable Institutions:

H. B. 416. An act appropriating money for the benefit of the Central Kentucky Asylum for the Insane.

By Mr. Shellman, of the Committee on Appropriations:

S. B. 61. An act providing for the continuation of the geological, topographical and agricultural survey of the State of Kentucky, and for the continuation of topographical surveys in co-operation with the United States Geological Survey.

With an amendment thereto.

By same:

H. Res. 19. Resolution providing for books for the thirty-first, thirty-second and thirty-third judicial districts of Kentucky.

By same:

H. B. 250. An act appropriating money for industrial training for colored persons and for completing a girls' dormitory and providing water for ordinary use and fire protection at the Kentucky Normal Industrial Institute.

With an amendment thereto.

By same:

H. Res. 7. Joint resolution for payment to the widow of the

late Hon. J. W. McCain the pay and per diem which he would have received for attending the last extra session had he lived.

By same:

S. B. 71. An act to provide an appropriation for the erection of a building for the Agricultural Department of the Agricultural and Mechanical College of Kentucky and to equip the same.

By same:

H. B. 339. An act for the benefit of Mrs. T. H. Corbett, widow of the late T. H. Corbett, Register of the Land Office.

By same:

H. Res. 8. Resolution for the benefit of John H. Stuart.

By same:

S. Res. 14. Resolution for the benefit of John Dean.

By same:

S. Res. 8. Resolution providing for the appointment of three delegates to represent the State of Kentucky at Washington in a congress of delegates to meet for the purpose of securing uniform laws in the several States upon divorce, and providing for the payment of the expenses of such delegates.

By same:

H. B. 229. An act appropriating the sum of $22,000.00 for a brick building for a workshop at Frankfort, Ky.

By same:

H. B. 230. An act to appropriate $7,000.00 for the installation of a dust collecting and cleaning system in the workshop at the State Penitentiary at Frankfort.

By same:

H. B. 231. An act to appropriate money for the erection of a

new hospital, with suitable tuberculosis wards, operating room and other necessary equipments of the State Penitentiary at Frankfort, Ky., and for the equipment of the present hospital as a chapel.

By same:

H. B. 232. An act to appropriate $5,000.00 for the erection and equipment of a tuberculosis hospital at the Branch Penitentiary at Eddyville, Ky.

By Mr. Litsey, of the Committee on Suffrage and Elections:

H. B. 264. An act to permit the use of voting machines in Kentucky.

By Mr. Byland, of the Committee on Insurance:

S. B. 10. An act to provide for the investigation of fires in this Commonwealth and provide for the appointment of a Deputy Insurance Commissioner, to be designated Fire Marshal of the State of Kentucky, also to provide for the payment of his salary and the payment of expenses incurred in the investigation of fires in this Commonwealth.

By Mr. Young, of the Committee on Criminal Law:

H. B. 278. An act providing for the execution of criminals in the State of Kentucky where the death penalty is imposed by the judgment of the court.

By same:

H. B. 426. An act to limit racing on race tracks or race courses and providing a penalty for violation thereof.

With an amendment thereto by way of a substitute therefor.

H. B. 270. An act to prohibit attorneys at law from soliciting fees.

By same:

H. B. 34. An act to fix the penalty for the burglary of safes and so forth.

By same:

H. B. 393. An act to amend and re-enact an act, entitled "An act to reapportion the State into eleven congressional districts," approved May 26, 18—, and amendatory acts thereto, being section 418a of chapter 23a, Kentucky Statutes.

S. B. 268. An act to divide the State of Kentucky into one hundred representative districts.

By Mr. Stewart, of the Committee on Cities and Towns of the Fourth, Fifth and Sixth Classes.

S. B. 115. An act to repeal the charter of the town of Weston, in Crittenden county.

By same:

S. B. 261. An act to amend and re-enact section 3629 of the Kentucky Statutes, the same being a part of the charter of cities of the fifth class to authorize cities of the fifth class, by their council, to appoint one policeman in addition to the regular marshal and to fix his salary.

By Mr. Gabbard, of the Committee on Education No. 2:

H. B. 494. An act providing for a uniform system of higher public education in the State of Kentucky.

By Mr. Mulcahy, of the Committee on Agriculture:

S. B. 101. An act to amend and re-enact an act, entitled "An act to provide for the improvement and development of the live stock, agricultural and kindred interests by the establishment and maintenance of a State fair, being chapter 119b, Kentucky Statutes, approved March 29, 1902.

By Mr. Cox, of the Committee on Land Titles:

H. B. 143. An act to continue in force drainage systems established and operated by drainage corporations heretofore in any of the counties of Kentucky.

By Mr. James S. Morris, of the Committee on Court of Appeals:

H. B. 464. An act to authorize counties in which are situated cities of the second class to appropriate money in aid of professional education.

By Mr. Arnett, of the Committee on Circuit Courts:

H. B. 506. An act relating to libels.

By same:

S. B. 215. An act authorizing any county or subdivision thereof containing a city of the second class, and in which no court of continuous sessions is authorized by law, to supplement the salary of the judge of the circuit court district in which said county is located.

By same:

H. B. 505. An act authorizing the consolidation of actions for libel and evidence therein.

By same:

H. B. 510. An act to prevent persons not members of organizations from wearing the insignia or emblem of said organization.

Said bills were severally read the first time at length, except House Bills 229, 230, 231 and 232, and Senate Bill 61, which bills have heretofore been advanced to their second reading, and are now placed in the orders of the day, and ordered to be placed on the calendar, except House Bills 164, 382, 416 and 125 and Senate Bill 164, which were each ordered to be recommitted to the Committee on Appropriations.

The House took up for consideration from the calendar bills of the following titles, viz.:

H. B. 497. An act repealing the charter of the town of Willard, in Carter county.

H. B. 498. An act to prevent sheriffs and deputy sheriffs from practicing law in cases triable by jury, and fixing a penalty.

H. B. 499. An act to amend an act, entitled "An act to prevent the suppression of testimony."

H. B. 500. An act to amend chapter 107, Kentucky Statutes, Carroll's edition 1903, and providing for supplying of a burned record, the original of which is in the archive records of the Auditor of Public Accounts.

H. B. 501. An act to amend and re-enact section 251 of article 6, chapter 171, of the Acts of 1891-2-3, entitled "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893, and being section 857, Kentucky Statutes.

H. B. 445. An act to amend and re-enact section 3629 of the Kentucky Statutes, the same being a part of the charter of the cities of the fifth class by their council to appoint one policeman in addition to the regular marshal, and to fix his salary.

S. B. 166. An act to amend section 3637, Kentucky Statutes, and thereby increase the powers of the city council of cities of the fifth class.

S. B. 106. An act to repeal and re-enact section 2554 of Kentucky Statutes as adopted, being a part of chapter 81, article 1, and being a portion of the Act of March 10, 1904.

S. B. 60. An act to regulate the assignment of future earnings or unearned wages of employes.

Ordered that said bills be severally read the second time. The provision of the Constitution as to the second reading of said bills at length being dispensed with, said bills were severally read the second time by their titles.

Ordered that said bills be placed in the orders of the day.

The House took up for consideration from the orders of the day a bill, entitled

H. B. 204. An act relating to the evidence and damages in actions for libel.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in any civil action for libel, charging the publication of an erroneous statement alleged to be libelous, it shall be relevant and competent evidence for either party to prove the fact that the plaintiff requested retraction or omitted to request retraction. The defendant may also allege and give proof that the matter alleged to have been published and to be libelous was published without malice, and that the defendant in the next regular issue of the newspaper or publication after receiving demand in writing to correct and to retract said statement, or in the next regular issue of the newspaper or publication after the service of summons and complaint, if no such notice has been given to the defendant before the commencement of the action, did publish a sufficient correction, retraction, explanation or rectification in as conspicuous and public a manner as that in which said alleged libelous statement was published, in at least two successive issues of the same periodical publication. Upon proof of such facts to the satisfaction of the jury, the plaintiff shall not be entitled to punitive damages; and the defendant shall be liable only to pay actual damages. And upon the publication of such correction, retraction, explanation or rectification, the defendant may plead same in mitigation of damages.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title.

The question being taken on the passage of said bill, it was decided in the negative.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

J. M. Alverson,
Louis W. Arnett,
E. Barry,
B. O. Becker,
Roger P. Blair,
Joe F. Bosworth,
H. Kirby Bourne,
W. D. Claybrooke,
H. K. Cole,
Thomas Drewry,
W. Reed Embry,
J. A. Frazier,
M. T. Freeman,
Lloyd W. Gates,
Paul Gullion,
W. C. Halbert,
L. P. Head,
L. F. Johnson,
W. H. Jones,
Wm. F. Klair,
H. M. McCarty,
Virgil McKnight,
Henry C. Miller,
R. W. Miller,
Ed. Mulcahy,
Ion B. Nall,
Richard S. Rose,
J. T. Royalty,
S. M. Russell,
R. C. Simmons,
T. J. Slaton,
Emmet P. Slattery,
W. W. Smith,
John A. Stevens,
Zeb. A. Stewart,
C. C. Terry,
C. F. Thornton,
T. A. Weldon,
Geo. S. Wilson,
Munnell Wilson,
Wm. Wilt,
Speaker Lawrence—42

Those who voted in the negative were—

John Barr,
Charles C. Beard,
Peter Best, Jr.,
J. C. Byland,
W. T. Cain,
M. F. Campbell,
N. B. Chipman,
Bennett Clarke,
W. H. Cole,
Henry M. Cox,
Charles I. Dawson,
A. L. Denny,
Lawrence J. Diskin,
Robert Enlow,
Taylor P. Gabbard,
W. J. Gooch,
A. J. Gorham,
H. H. Griffin,
John C. Griffith,
Albert Hamilton,
J. A. Hamon,
D. C. Hopper,
W. J. Jackson,
Geo. D. Litsey,
M. H. McLean,
J. M. Mitchell,
V. W. Morris,
James S. Morris,
W. J. Osborne,
C. M. Paynter,
John R. Ray,
M. M. Redwine,
J. M. Robertson,
Ed. H. Shellman,
W. H. Southall,
George W. Stone,
Harry Weitkamp,
W. T. White,
J. T. Wilson,
J. Hal Woodford,
W. T. Wright,
J. A. Yates,
Will A. Young—43.

And then the House adjourned until Monday next at 12 o'clock m.

MONDAY, MARCH 5, 1906.

The House opened with prayer by the Rev. T. N. Arnold of the Christian church.

The reading of the Journal of Saturday's proceedings was dispensed with and the same was approved.

A message was received from the Senate, announcing that they had concurred in a resolution which originated in the House of the following title, viz.

H. Res. 20. Resolution providing for a commission to revise the laws governing the public printing, and directing them to report to next session of General Assembly, and providing for their compensation.

With an amendment thereto.

(For Res. see House Journal February 26th.)

The amendment as proposed thereto by the Senate is as follows, viz.:

Amend section 1 by striking out of line 2, the word "two" and insert in lieu thereof the word "three".

Said amendment was then concurred in.

Said resolution as amended was agreed to.

The yeas and nays being taken thereon, in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | A. J. Gorham, | Henry G. Overstreet, |
| Louis W. Arnett, | H. H. Griffin, | C. M. Paynter, |
| John Barr, | Paul Gullion, | M. M. Redwine, |
| W. G. Baxter, | W. C. Halbert, | J. M. Robertson, |

| | | |
|---|---|---|
| Charles C. Beard, | Albert Hamilton, | J. T. Royalty, |
| B. O. Becker, | J. A. Hamon, | Ed. H. Shellman, |
| H. Kirby Bourne, | C. W. G. Hannah, | T. J. Slaton, |
| J. C. Byland, | L. P. Head, | Emmet P. Slattery, |
| M. F. Campbell, | L. F. Johnson, | W. W. Smith, |
| Bennett Clarke, | Wm. F. Klair, | W. H. Southall, |
| J. W. Clay, | Geo. D. Litsey, | Hub L. Stevens, |
| W. D. Claybrooke, | H. M. McCarty, | Zeb. A. Stewart, |
| Sam. D. Cochran, | M. H. McLean, | C. C. Terry, |
| W. H. Cole, | Henry C. Miller, | Harry Weitkamp, |
| Charles I. Dawson, | R. W. Miller, | T. A. Weldon, |
| A. L. Denny, | Chris. Mueller, | W. T. White, |
| Lawrence J. Diskin, | J. M. Mitchell, | Geo. S. Wilson, |
| W. Reed Embry, | V. W. Morris, | J. T. Wilson, |
| Taylor P. Gabbard, | James S. Morris, | Munnell Wilson, |
| Lloyd W. Gates, | Ion B. Nall, | W. T. Wright, |
| W. J. Gooch, | W. J. Osborne, | James G. Yaden—62. |

Those who voted in the negative were—

| | | |
|---|---|---|
| W. J. Jackson, | John R. Ray, | Geo. W. Stone—3. |

That they had passed bills, which originated in the House, of the following titles, viz.:

H. B. 60. An act amending an act which was enacted by the General Assembly of 1904, and approved March 24, 1904, entitled "An act to prevent the adulteration, mixing and mis-branding of orchard grass seed and other seeds and fixing a punishment therefor."

H. B. 103. An act to provide for paying the expenses of the State Superintendent when visiting different parts of the State in the interest of education.

With an amendment to the last named bill.

That they had passed bills of the following titles, viz.:

(1) S. B. 59. An act to prevent and punish the unlawful conversion and wrongful taking and use of water from water works plant and any unlawful interference with appliances used and confining and distributing the same in the cities of this State.

(2) S. B. 91. An act to amend and re-enact subsection 2, of section 1, of article 4, of an act, entitled "An act for the government of cities of the second class in the Commonwealth of Kentucky," approved March 19, 1894, said section being subsection 2, of section 3058, Kentucky Statutes 1903.

(3) S. B. 92. An act to amend and re-enact section 10, of article 8, of an act, entitled "An act for the government of cities of the second class in the Commonwealth of Kentucky," approved March 19, 1894, being section 3183 Kentucky Statutes 1903.

(4) S. B. 129. An act to regulate the distribution of the reports of the decisions of the Court of Appeals.

(5) S. B. 130. An act to amend an act, entitled "An act to amend an act entitled an act to incorporate the board of managers of the Louisville House of Refuge and the amendments thereto," approved May 13, 1886.

(6) S. B. 194. An act to amend section 4313 of the Kentucky Statutes compiled by John D. Carroll.

(7) S. B. 226. An act to amend sections 21 and 26, of article 6, of an act, entitled "An act for the government of cities of the second class in the Commonwealth of Kentucky," approved March 19, 1894, said sections being sections 3166 and 3171 respectively, of the Kentucky Statutes, 1903.

(8) S. B. 237. An act authorizing and empowering the commissioners of the sinking fund to donate any interest the Commonwealth may own in any turnpike road companies in the State, when all the stock in any such turnpike company is owned by the Commonwealth and any county or counties, and such county or counties will undertake to make and maintain such turnpike free of toll to the traveling public.

(9) S. B. 240. An act to amend the revenue laws of cities of the second class so as to carry into effect the amendment to section 181 of the Constitution.

Said bills were ordered to be printed and were by the Speaker referred

One, two, three, five, seven and nine, to the Committee on Municipalities.

Four, to the Committee on Court of Appeals.

Six, to the Committee on Internal Improvements.

Eight, to the Committee on Circuit Courts.

Mr. R. W. Miller called up for consideration from the Clerk's desk, a resolution heretofore offered by him as follows, viz.:

(For Res. see House Journal March 3rd.)

Said resolution was agreed to.

The yeas and nays being taken thereon, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

J. M. Alverson,
Louis W. Arnett,
John Barr,
W. G. Baxter,
Charles C. Beard,
B. O. Becker,
Peter Best, Jr.,
Joe F. Bosworth,
H. Kirby Bourne,
J. C. Byland,
W. T. Cain,
M. F. Campbell,
Bennett Clarke,
J. W. Clay,
W. D. Claybrooke,
Sam. D. Cochran,
W. H. Cole,
Charles I. Dawson,
A. L. Denny,
Lawrence J. Diskin,
A. J. Gorham,
H. H. Griffin,
John C. Griffith,
James A. Hagan,
W. C. Halbert,
Albert Hamilton,
J. A. Hamon,
C. W. G. Hannah,
L. P. Head,
L. F. Johnson,
W. H. Jones,
Wm. F. Klair,
H. M. McCarty,
Virgil McKnight,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
Chris Mueller,
J. M. Mitchell,
V. W. Morris,
Henry G. Overstreet,
C. M. Paynter,
J. M. Robertson,
Richard S. Rose,
J. T. Royalty,
J. T. Scott,
R. C. Simmons,
T. J. Slaton,
Emmet P. Slattery,
W. W. Smith,
Hub L. Stevens,
John A. Stevens,
Zeb. A. Stewart,
C. C. Terry,
Harry Weitkamp,
W. T. White,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson,
Wm. Wilt,

| | | |
|---|---|---|
| Robert Enlow, | James S. Morris, | J. Hal Woodford, |
| J. A. Frazier, | Ed. Mulcahy, | W. T. Wright, |
| M. T. Freeman, | Ion B. Nall, | James C. Yaden, |
| Taylor P. Gabbard, | W. J. Osborne, | J. A. Yates—72. |

Those who voted in the negative were—

| | | |
|---|---|---|
| W. J. Gooch, | John R. Ray, | Geo. W. Stone—5. |
| W. J. Jackson, | M. M. Redwine, | |

Mr. Klair called for consideration from the Clerk's desk, a bill, entitled

H. B. 47. An act to amend an act, entitled "An act for the government of cities of the second class in the Commonwealth of Kentucky," approved March 19, 1894.

Together with an amendment proposed thereto by the Senate.

(For bill see House Journal January 26th.)

The amendment as proposed by the Senate to said bill is as follows, namely:

No. 1.

Amend section 2 by adding thereto the following, to be added just after the word "judgment" in line 33:

"When any unincorporated territory shall be proposed to be annexed to any city, under the provisions of this act, the court shall have the right and power to find and decree that all or a part or parts of such territory shall be added to such city, in which event the court shall specifically indicate and prescribe by metes and bounds, or other clear and specified description, the territory, which the court finds should be so annexed and that part only shall be annexed.

No. 2.

1. That section 1 be amended by striking out the words, "or any city or town, or part of a city or town, of the fifth or sixth class" in lines two and three of said act.

2. By inserting after the word "may" in section one, line four, the words "by a vote of two-thirds of its members."

3. That section 2 be amended by adding at the end of said section, after amendment No. 1, the following words: "Whenever it is deemed advisable to annex any city of the fifth or sixth class, or part of such city, to the city the general council of the city proposing to annex such city, or part thereof, shall, by a vote of two-thirds of its members, pass an ordinance or resolution designating the city proposed to be annexed, or defining accurately the part proposed to be annexed, if it be a part, declaring it to be desirable to annex such city or part thereof, and providing that the question of whether or not such city, or part thereof, designated in the ordinance, shall be annexed, shall be submitted to the qualified voters of such city, if it be proposed to annex such city as a whole, or if only a part of such city is proposed to be annexed by said ordinance, that the question shall be submitted to the qualified voters residing in such part of said city proposed to be annexed, at the next regular election to be held therein, if such next regular election shall not be held within sixty days after the passage of such ordinance. The mayor of the city proposing to annex shall deliver a certified copy of such ordinance or resolution to the county clerk of the county, who shall, if it be proposed to annex the whole of said city, on the ballots provided for use in the city proposed to be annexed, have printed thereon the question "Are you in favor of annexing to the city of .....?" filling in the blank with the name of the city proposing to annex, and opposite said question he shall print "Yes" and "No", with the proper squares for stamping the cross mark to indicate preference. If it be proposed to annex only a part of said city, then the clerk shall have said question printed on the ballots provided for use in each precinct embraced within that part of the city proposed to be annexed, and on the ballots of each precinct of which that part of the city proposed to be annexed constitutes a part. If only a part of any precinct is embraced within that part of the city proposed to be annexed, the clerk of the election shall, upon the ballots of all persons voting who reside

within the precinct, but not within that part of it proposed to be annexed, mark an "X" with the blank ink stencil in the squares opposite both the words "Yes" and "No" before delivering the ballots to such voters to be used by them, so that they may not vote upon the question. The clerk shall cause to be delivered by the sheriff to the officers of election in each precinct a copy of said ordinance or resolution proposing to annex. If one-fourth or more of those voting on the proposition shall vote in favor of annexing, then the city proposing to annex shall pass an ordinance, declaring such city, or part thereof, as the case may be, annexed, and such city or part thereof, shall therefrom become a part of the city.

No. 3.

Add the following section to the bill as section 6:

Section 6. Whenever any unincorporated territory is annexed to such city pursuant to this act, in which territory the residents or voters thereof have by district taxation or otherwise purchased grounds and erected public school buildings, then such grounds and buildings shall become the property of such city, and the city shall assume any indebtedness of such district for such grounds and school buildings. And all persons (who may have been taxed) or who may have contributed money for the purchase of said grounds and erection of such buildings, shall be entitled to a credit on the first taxes due by them to said city for the amounts paid by them by taxation or contribution in the purchase of such grounds and erection of such school buildings, such amounts to be ascertained by production of the proper tax receipt or other proper voucher. Provided, If any person or persons, who may have been taxed or may have contributed for the purpose of purchasing such grounds or erecting such buildings do not reside within the territory annexed, and whose property which was so taxed, is not situated within the annexed territory, then the city shall pay to all such persons the amounts which they may have paid by taxation or contribution for the purchase of such grounds and erection of such buildings, such amounts to be ascertained upon the production of the proper tax

receipt or other proper voucher. The general council of such city shall pass such ordinance as may be necessary to carry this section into proper effect.

Said amendments were concurred in.

Said bill as amended was passed.

The yeas and nays, being taken on the passage of said bill as amended, in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | D. C. Hopper, | J. M. Robertson, |
| Louis W. Arnett, | W. J. Jackson, | J. T. Royalty, |
| John Barr, | L. F. Johnson, | S. M. Russell, |
| W. G. Baxter, | Wm. F. Klair, | Ed. H. Shellman, |
| Joe F. Bosworth, | Geo. D. Litsey, | Emmet P. Slattery, |
| J. C. Byland, | H. M. McCarty, | Hub L. Stevens, |
| W. D. Claybrooke, | M. H. McLean, | John A. Stevens, |
| Sam: D. Cochran, | Henry C. Miller, | Zeb. A. Stewart, |
| W. H. Cole, | R. W. Miller, | C. C. Terry, |
| Charles I. Dawson, | Chris Mueller, | Harry Weitkamp, |
| W. Reed Embry, | J. M. Mitchell, | W. T. White, |
| Lloyd W. Gates, | James S. Morris, | Geo. S. Wilson, |
| W. J. Gooch, | Ed. Mulcahy, | J. T. Wilson, |
| A. J. Gorham, | W. J. Osborne, | Munnell Wilson, |
| Albert Hamilton, | Henry G. Overstreet, | Wm. Wilt, |
| J. A. Hamon, | C. M. Paynter, | W. T. Wright, |
| C. W. G. Hannah, | John R. Ray, | James G. Yaden—53. |
| L. P. Head, | M. M. Redwine, | |

Those who voted in the negative were—

| | | |
|---|---|---|
| Lawrence J. Diskin, | George W. Stone. | J. Hal Woolford—4. |
| R. C. Simmons, | | |

Mr. Klair moved that the vote by which said bill as amended was passed be reconsidered and moved that said motion lie on the table.

Said last named motion was disagreed to.

Mr. Simmons moved that the further consideration thereof be postponed and that same be made a special order for to-morrow at 12:00 noon.

Mr. Stone moved that the vote by which the House on last Saturday refused to pass a bill, entitled

H. B. 204. "An act relating to the evidence and damages in actions for libel," be reconsidered.

Ordered that said motion be entered.

Mr. Gooch, of the Committee on Rules, offered the following resolution, viz.:

Whereas, Over five hundred bills have been introduced in this House at this session, and only twenty-four of these have been passed; and,

Whereas, The short time left is wholly inadequate to consider the great majority of these bills in the day sessions, therefore, be it

Resolved, That beginning with to-night that night sessions be held on every evening during the remainder of this session (except Saturday night) beginning at 7:30 o'clock.

Said resolution was agreed to.

Mr. Gooch, of the Committee on Rules, offered the following resolution, viz.:

Whereas, This House has only a few more days left in which to dispose of the hundreds of measures it has before it; and,

Whereas, The members of this House are vitally interested in the passage of many of these measures; and,

Whereas, The great majority of these bills have been printed and placed upon the desks of the members for several weeks, thus giving them ample time to familiarize themselves with same; and,

Whereas, That rule 25 of this House be amended, by striking out "thirty" wherever it appears in said rule and insert in lieu thereof the word "ten."

Mr. R. W. Miller moved that said resolution lie on the table.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Johnson and Munnell Wilson, were as follows, viz:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Charles C. Beard, | H. H. Griffin, | Ion B. Nall, |
| W. T. Cain, | John C. Griffith, | C. M. Paynter, |
| M. F. Campbell, | W. C. Halbert, | John R. Ray, |
| J. W. Clay, | Albert Hamilton, | Richard S. Rose, |
| Sam. D. Cochran, | J. A. Hamon, | J. T. Royalty, |
| W. H. Cole, | C. W. G. Hannah, | Emmet P. Slattery, |
| Charles I. Dawson, | D. C. Hopper, | T. A. Weldon, |
| Robert Enlow, | W. J. Jackson, | Wm. Wilt, |
| J. A. Frazier, | H. M. McCarty, | J. Hal Woodford, |
| M. T. Freeman, | R. W. Miller, | James C. Yaden, |
| Taylor P. Gabbard, | V. W. Morris, | J. A. Yates—33. |

Those who voted in the negative were—

| | | |
|---|---|---|
| J. M. Alverson, | Paul Gullion, | J. M. Robertson, |
| Louis W. Arnett, | James A. Hagan, | J. T. Scott, |
| John Barr, | L. P. Head, | Ed. H. Shellman, |
| W. G. Baxter, | L. F. Johnson, | R. C. Simmons, |
| B. O. Becker, | Wm. F. Klair, | T. J. Slaton, |
| Peter Best, Jr., | Geo. D. Litsey, | W. W. Smith, |
| Roger P. Blair, | M. H. McLean, | John A. Stevens, |
| Joe F. Bosworth, | Henry C. Miller, | Zeb. A. Stewart, |
| H. Kirby Bourne, | Chris Mueller, | George W. Stone, |
| J. C. Byland, | J. M. Mitchell, | C. C. Terry, |
| Bennett Clarke, | James S. Morris, | Harry Weitkamp, |
| W. D. Claybrooke, | Ed. Mulcahy, | Geo. S. Wilson, |
| Lawrence J. Diskin, | W. J. Osborne, | J. T. Wilson, |
| Lloyd W. Gates, | Henry G. Overstreet, | Munnell Wilson, |
| W. J. Gooch, | M. M. Redwine, | W. T. Wright—46. |
| A. J. Gorham, | | |

Said resolution was then agreed to.

Mr. John A. Stevens offered the following resolution, viz.:

Resolved, That whereas no allowance has been made Dr. T. J. Slaton, late successful contestant for his seat in this body for the expenses actually incurred for witnesses' fees and stenographers' bills in said contest, now there is allowed him the sum of $50 for such expenses, to be paid as contingent expense of this House, upon the certification of same by the Clerk of this House to the Auditor of Public Accounts, and a copy of this resolution shall be deemed a sufficient certification on which to authorize such payment by the Auditor.

Said resolution was agreed to.

Mr Arnett, of the Committee on Rules, called up for consideration from the orders of the day a bill, entitled

H. B. 377. An act to provide for the appointment of a State Printing Superintendent, defining his duties and providing compensation therefor.

Together with an amendment proposed thereto by the Committee on Printing, and also one proposed thereto by the Committee on Appropriations. Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky.

§ 1. The Board of Printing Commissioners shall, on the first day of June, 1908, appoint as Superintendent of Public Printing, for a term of four years, a practical printer, who has had not less than ten years' experience as a practical printer, working at the printer's trade,and who, at the time of such appointment, is not connected, either as employer or stockholder, with any firm, corporation or individual who is enggaged in the business of printing and binding in this State or other State. The said Board of Commissioners is hereby empowered to employ, from and after the passage of this act, as such Superintendent of Printing, any person who can qualify under the provisions of this act, who shall serve until his successor is appointed under this act, unless sooner removed by said Board

of Commissioners, whose salary shall be the same as herein provided.

§ 2. It shall be the duty of the Superintendent of Public Printing to superintend all the printing done by the public printing contractor of the State, to specify the kind and style of paper, type to be used, and style of binding,under the specifications furnished by the Board of Printing Commissioners. He shall check up all accounts of the public printing contractor against the State, and verify all statements as to cost of such printing, certifying the same to the Board of Commissioners before any payment of such claims or accounts shall be made. He shall be required to make a monthly statement of the amount and kind of printing done by the State Printing Contractor to the Board of Printing Commissioners, and shall prepare a statement of all such printing, binding, engraving, lithographing, or other work done under the public printing contract, every two years, which report shall be made a part of the report of the Board of Printing Commissioners to the General Assembly of the Commonwealth.

§ 3. The Superintendeent of Public Printing shall be required to give to the Board of Printing Commissioners such bond as said Commissioners may designate for the full and faithful performance of his duties. He shall be required to maintain an office in the city of Frankfort, Ky, and shall at all times be under the supervision and instruction of the Board of Printing Commissioners.

§ 4. It shall be the duty of the said Superintendent of Public Printing to superintend all printing, binding, engraving, lithographing, or other work of this nature required by the State, which is not covered by nor included in the contract with the public printing contractor, and he shall be required, upon instruction of the Board of State Printing Commissioners, to contract for the performance of such work, either with the contractor of public printing, or with any other printing firm, corporation or individual within the State, which is, within his judgment, qualified to perform such work, and shall give to the Printing Commissioners such bond as they may require for its performance.

§ 5. He shall receive as compensation for the performance of his duties as herein set out, and such other duties as may be assigned to him by the Board of Printing Commissioners, within the meaning of this act, the sum of fifteen hundred ($1,500) dollars per annum, payable monthly out of the State treasury, as the salary of other public officers.

§ 6. Whereas, there is now no state printing contract in existence, and the public service is being impaired thereby, an emergency is hereby declared to exist, and this act shall take effect from and after its passage and approval.

The amendment as proposed thereto by the Committee on Printing is as follows, viz.:

Amend section 1 by substituting therefor the following:

Section 1. The Board of Printing Commissioners shall, on the 1st day of June, 1908, appoint as Superintendent of Public Printing, for a term of four years, a practical printer or a practical estimator of printing, who has had not less than ten years' experience in typesetting, estimating the cost of plain, job, rule, tabular and machine composition, press work, both cylinder and platen, bookbinding in its various branches, paper, etc., and such other materials as are used in the performance of the State printing contract; and who at the time of accepting such appointment is not connected, as owner, manager or stockholder, with any firm, individual or corporation which is engaged in the business of printing and binding in this or any other State. The said Board of Commissioners is hereby empowered to employ, from and after the passage of this act, as such Superintendent of Printing, any person who can qualify under the provisions of this act, who shall serve until his successor is appointed under this act unless sooner removed for cause by the Board of Commissiners, whose salary shall be the same as herein provided.

Said amendment was disagreed to.

The amendment as proposed to said bill by the Committee on Appropriations is as follows, viz.:

Amend section 5 by inserting therein the words "Eighteen Hundred Dollars" instead of the words "Fifteen Hundred Dollars."

Said amendment was disagreed to.

Ordered that said bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length, being dispensed with, and the same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays, being taken on the passage of said bill, in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

J. M. Alverson,
Louis W. Arnett,
John Barr,
W. G. Baxter,
B. O. Becker,
Joe F. Bosworth,
J. C. Byland,
J. W. Clay,
W. D. Claybrooke,
Sam. D. Cochran,
Charles I. Dawson,
Lawrence J. Diskin,
W. Reed Embry,
J. A. Frazier,
Lloyd W. Gates,
W. J. Gooch,
A. J. Gorham,
Paul Gullion,
James A. Hagan,
J. A. Hamon,
C. W. G. Hannah,
L. P. Head,
L. F. Johnson,
Wm. F. Klair,
Geo. D. Litsey,
H. M. McCarty,
Virgil McKnight,
M. H. McLean,
Henry C. Miller,
Chris Mueller,
J. M. Mitchell,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
C. M. Paynter,
M. M. Redwine,
J. M. Robertson,
Richard S. Rose,
J. T. Royalty,
S. M. Russell,
J. T. Scott,
Ed. H. Shellman,
R. C. Simmons,
T. J. Slaton,
Emmet P. Slattery,
W. W. Smith,
W. H. Southall,
Hub L. Stevens,
Zeb. A. Stewart,
George W. Stone,
Harry Weitkamp,
T. A. Weldon,
Geo. S. Wilson,
Munnell Wilson,
J. Hal Woodford,
W. T. Wright,
James C. Yaden—58.

Those who voted in the negative were—

| | | |
|---|---|---|
| Charles C. Beard, | M. T. Freeman, | W. H. Jones, |
| Peter Best, Jr., | Taylor P. Gabbard, | V. W. Morris, |
| H. Kirby Bourne, | H. H. Griffin, | John R. Ray, |
| M. F. Campbell, | John C. Griffith, | John A. Stevens, |
| Bennett Clarke, | W. C. Halbert, | C. C. Terry, |
| W. H. Cole, | D. C. Hopper, | W. T. White, |
| A. L. Denny, | W. J. Jackson, | J. A. Yates—22. |
| Robert Enlow, | | |

And then the House adjourned until 7:30 o'clock this evening.

NIGHT SESSION.

At 7:30 o'clock p. m. the House met pursuant to adjournment.

Leave of absence for an indefinite time was granted Mr. Croan.

Mr. Nall, of the Committee on Enrollments, reported that they had examined and found correctly enrolled bills of the following titles, viz.:

H. B. 9. An act to amend an act regulating the term of court in the thirteenth judicial district.

H. B. 154. An act to repeal an act relating to cities of the fourth class.

H. B. 153. An act to repeal an act relating to cities of the fourth class.

H. B. 458. An act in relation to the control, management and operation of water-works in cities of the first class.

Thereupon all other business was suspended, and said bills and joint resolutions were severally read at length and examined in open session. And, being found correctly enrolled, the Speaker, in open session, in presence of the House, affixed his signature thereto.

Ordered that the enrolling clerk deliver same to the Senate.

The House took up for consideration, from the calendar, bills of the following titles, viz.:

H. B. 439. An act to amend chapter 58 of Kentucky Statutes relative to gaming.

H. B. 454. An act relating to the furnishing of cars to shippers and to the transportation of freight by railroads and other common carriers.

H. B. 487. An act to require all notes and other evidences of debt held by any person or corporation other than a bank or trust company, or such other corporation whose property is now assessed for taxation by the State Board of Assessment and Valuation, to be stamped by the assessor of the county wherein the owner thereof resides, and penalty for failure to do so.

H. B. 90. An act to amend section 950 of Kentucky Statutes of 1903, as compiled and edited by John D. Carroll.

H. B. 457. An act to amend an act regulating the keeping open a bar-room or other place for the sale of spirituous, vinous and malt liquors.

H. B. 446. An act to appropriate $2,500 to assist in erecting a tablet in Larue county to the memory of A. Lincoln.

S. B. 193. An act to amend section 4545 of the Kentucky Statutes dispensing with the presence of the Secretary of State in court to identify certified copies of records from his office.

S. B. 162. An act creating and establishing a board of commissioners, to be known as the Kentucky State Board of Control for Charitable Institutions, and prescribing its duties and powers.

S. B. 264. An act authorizing the county courts of counties maintaining a system of free turnpikes to erect toll gates and collect toll to keep same in repair.

S. B. 222. An act to amend section 27, chapter 47, of the Acts

of 1894, being section 4313 of the Kentucky Statutes. Which said section, chapter and act were approved March 10, 1894, and relates to public roads.

S. B. 65. An act to amend and re-enact section 28 of article 5 of an act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894, said section being section 3133 of the Kentucky Statutes of 1905.

S. B. 40. An act to amend subsection 27 of section 1, article 4, of an act, entitled "An act for the government of cities of the second class in the Commonwealth of Kentucky," approved March 19, 1894, being subsection 27 of section 3058 of the Kentucky Statutes.

S. B. 140. An act concerning bonds required to be executed by persons acting in fiduciary capacities.

H. B. 70. An act to amend section 3176 of Kentucky Statutes.

H. B. 480. An act to amend section 3287 of Kentucky Statutes, being a part of charters of cities of the third class, by adding thereto section 3287a.

H. Res. 18. Resolution providing for books for thirty-first, thirty-second and thirty-third judicial district of Kentucky.

H. B. 250. An act appropriating money for industrial training for colored persons and for completing girls' dormitory and providing water for ordinary use and fire protection at Kentucky Normal Industrial Institute.

H. Res. 7. Joint resolution for payment to the widow of the late Hon. J. W. McCain the pay and per diem which he would have received for attending the last extra session had he lived.

S. B. 71. An act to provide an appropriation for the erection of a building for the Agricultural Department of the Agricultural and Mechanical College of Kentucky and to equip the same.

H. B. 339. An act for the benefit of Mrs. T. H Corbett, widow of the late T. H. Corbett, register of the land office.

S. Res. 8. Resolution providing for the appointment of three delegates to represent the State of Kentucky at Washington, in a Congress of Delegates to meet for the purpose of securing uniform laws in the several States upon divorce, and providing for the payment of the expenses of such delegates.

S. Res. 14. Resolution for the benefit of John Dean.

H. Res. 8. Resolution for the benefit of John H. Stuart.

H. B. 264. An act to permit the use of voting machines in Kentucky.

S. B. 10. An act to provide for the investigation of fires in this Commonwealth and to provide for the appointment of a Deputy Insurance Commissioner, to be designated Fire Marshal of the State of Kentucky; also, to provide for the payment of his salary and the payment of expenses incurred in the investigation of fires in this Commonwealth.

H. B. 278. An act providing for the execution of criminals in the State of Kentucky, where the death penalty is imposed by the judgment of the court.

H. B. 426. An act to limit racing on race tracks or race courses, and providing a penalty for the violation thereof.

H. B. 270. An act to prohibit attorneys from soliciting fees.

H. B. 34. An act to fix a penalty for the burglary of safes, etc.

H. B. 445. An act to amend and re-enact section 3629 of the Kentucky Statutes.

H. B. 393. An act to amend and re-enact an act, entitled An act to reapportion the State into eleven Congressional districts, approved May 26, 18—, and amendatory acts thereto, being section 418a, chapter 23a, Kentucky Statutes.

S. B. 268. An act to divide the State of Kentucky into one hundred Representative districts.

S. B. 115. An act to repeal the charter of the town of Weston, in Crittenden county.

S. B. 261. An act to amend and re-enact section 3629 of the Kentucky Statutes, the same being a part of the charter of cities of the fifth class, to authorize cities of the fifth class, by their council, to appoint one policeman in addition to the regular marshal and to fix his salary.

H. B. 494. An act providing for a uniform system of higher public education in the State of Kentucky.

S. B. 101. An act to amend and re-enact an act, entitled An act to provide for the improvement and development of the live stock agricultural and kindred interests by the establishment and maintenance of a State fair, being chapter 119b of the Kentucky Statutes, approved March 29, 1902.

H. B. 143. An act to continue in force drainage systems established and operated by drainage corporations heretofore in any of the counties of Kentucky.

H. B. 464. An act to authorize counties, in which are situated cities of the second class, to appropriate money in aid of professional education.

H. B. 506. An act relating to libels.

S. B. 215. An act authorizing any county or subdivision thereof, containing a city of the second class and in which no court of continuous session is authorized by law, to supplement the salary of the judge in the circuit court district in which said county is located.

H. B. 505. An act authorizing the consolidation of actions for libel and evidence therein.

H. B. 510. An act to prevent persons not members of organizations from wearing the insignia or emblem of said organization.

Ordered that said bills be read the second time.

The provision of the Constitution as to the second reading of said bills at length, being dispensed with, said bills were severally read the second time by their title.

Ordered that said bills be placed in the orders of the day.

The House took up for consideration from the orders of the day a bill, entitled

H. B. 365. An act relating to fees.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky.

§ 1. That an act, entitled An act relating to fees, approved one thousand eight hundred and ninety-three, as amended March 21, 1900, being section 1761 of the Kentucky Statutes, be, and the same is now, amended and supplemented by adding thereto as follows:

Provided, however, that in counties having a population of over two hundred thousand inhabitants, composing a separate judicial district and having six circuit judges or more, the commissioner of said circuit court shall be, and he is hereby allowed such reasonable fees as compensation for his services and the services of such necessary deputies employed by him in the discharge of the duties of said office as the said court, by rule in general term, may allow for reports and all other services rendered by him, or by any of his said deputies, not exceeding in all a salary at the rate of five thousand dollars per annum for said commissioner, two thousand per annum for his chief deputy, and such other salaries not to exceed fifteen hundred dollars per annum, for each of his subordinate deputies, as the said court in general term may allow.

The said section, as thus supplemented and amended, shall read as follows:

Section 1761. Officers in counties with 75,000 population to report fees collected by commissioners and receivers. The clerk of the circuit court, the clerk of the county court and the sheriff of each county having a population of seventy-five thousand or over, shall, on the first day of each month, severally, send to the Auditor of Public Accounts a statement,subscribed and sworn to by each of them, showing the amount of money received or collected by or for each of them the preceding month, as fees or compensation for official duties, and shall, with such statement, send to the Auditor the amount so collected or received.

That in counties having a population of seventy-five thousand or over, commissioners and receivers appointed by the circuit court shall receive an annual salary of five thousand dollars, and the number of deputies allowed to each of said officers, and the compensation allowed to each, and the amount, if any, allowed for the necessary expenses of the office, shall be regulated and fixed by an order entered upon the order book of the circuit clerk, and a certified copy of said order shall, as soon as entered, be forwarded to the Auditor of Public Accounts, as shall a copy of any subsequent changes made therein: Provided, however, That in counties having a population of over two hundred thousand inhabitants,composing a separate judicial district, and having six circuit judges or more, the commissioner of said circuit court shall be, and he is hereby, allowed such reasonable fees as compensation for his services and the services of such necessary deputies employed by him in the discharge of the duties of said office as the court by rule in general term may allow for reports and all other services rendered by him, or by any of his said deputies, not exceeding in all a salary at the rate of five thousand dollars per annum for said commissioner, two thousand dollars per annum for his chief deputy, and such other salaries not to exceed fifteen hundred dollars per annum for each of his subordinate deputies, as the said court in general term may allow.

Said commissioners and receivers shall, in a suitable book kept in his office, keep and enter therein a true and faithful account of the amounts earned by him or due him for official services rendered to any person, company or corporation, when and to whom such service was rendered, and what part thereof, if any, has been paid, and when paid; and shall annually, in the month of January, report to the Auditor, under oath, the amount received by him on account of his official duties or position, from all sources during the preceding year, as well as the amount paid out by him for necessary deputies or assistants, and for the expenses of conducting his office, giving separately the amounts he has paid out on account of each item; and if it shall appear from such annual statement that any such officer has received as compensation on account of his official services from all sources more than five thousand dollars during such year, after the payment of the salaries of his necessary deputies or assistants, and the legitimate expenses of conducting his office, then such officer shall, with such statement, pay to the Auditor the amount so received in excess of said five thousand dollars and the salaries of his deputies and expenses of his office and any such officer who shall fail to comply herewith shall, upon conviction, be fined not less than one hundred dollars nor more than five hundred dollars, and upon conviction shall be removed from office. But nothing herein contained shall be construed to prevent said officers from making up out of the overplus of any year any shortage in their salaries, or the salaries of the deputies, of any previous year.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | W. J. Gooch, | J. T. Royalty, |
| Louis W. Arnett, | A. J. Gorham, | S. M. Russell, |
| John Barr, | Paul Gullion, | Ed. H. Shellman, |
| E. Barry, | Albert Hamilton, | R. C. Simmons, |
| W. G. Baxter, | J. A. Hamon, | T. J. Slaton, |
| B. O. Becker, | C. W. G. Hannah, | Emmet P. Slattery, |
| Peter Best, Jr., | W. J. Jackson, | W. W. Smith, |
| Joe F. Bosworth, | L. F. Johnson, | W. H. Southall, |
| H. Kirby Bourne, | W. H. Jones, | Hub L. Stevens, |
| J. C. Byland, | Wm. F. Klair, | John A. Stevens, |
| W. T. Cain, | Geo. D. Litsey, | Zeb. A. Stewart, |
| M. F. Campbell, | M. H. McLean, | George W. Stone, |
| N. B. Chipman, | J. M. Mitchell, | C. C. Terry, |
| Bennett Clarke, | Chris Mueller, | A. J. Thompson, |
| J. W. Clay, | J. M. Mitchell, | Harry Weitkamp, |
| W. D. Claybrooke, | V. W. Morris, | T. A. Weldon, |
| Sam. D. Cochran, | James S. Morris, | W. T. White, |
| Henry M. Cox, | Ed. Mulcahy, | John B. Wicker, |
| Charles I. Dawson, | Ion B. Nall, | Geo. S. Wilson, |
| A. L. Denny, | W. J. Osborne, | J. T. Wilson, |
| Lawrence J. Diskin, | Henry G. Overstreet, | Munnell Wilson, |
| J. A. Frazier, | C. M. Paynter, | W. T. Wright, |
| M. T. Freeman, | M. M. Redwine, | James C. Yaden, |
| Taylor P. Gabbard, | J. M. Robertson, | J. A. Yates, |
| Lloyd W. Gates, | Richard S. Rose, | Will A. Young—75. |

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

Mr. Slattery moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 149. An act to amend section 2627 of the Kentucky Stat-

utes, it being a portion of chapter 85 of the Kentucky Statutes, entitled medicine and surgery.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky.

§ 1. That section 2627 of the Kentucky Statutes, it being a portion of chapter 85 of the Kentucky Statutes, entitled "Medicine and Surgery," be amended by striking out the words "one dollar" in said section and inserting in lieu thereof the words "three dollars," so that said section, when amended, shall read as follows:

"Each registered pharmacist shall, annually, during the month of January, if he desires to continue in such business, pay to said board a renewal fee, to be fixed by the board, but which shall not exceed three dollars, for which he shall receive a renewal of said registration. Every person receiving a certificate under this act shall keep the same conspicuously exposed in his place of business. Every registered pharmacist shall, within ten days after changing his place of business, as designated by his certificate, notify the secretary of the board of his new place of business, and inclose a fee of fifty cents, upon receipt of which the secretary shall make the necessary change in his register. Any registered pharmacist who shall fail or neglect to procure his annual renewal of registration, or to comply with the other provisions of this section, shall forfeit his right to act as such pharmacist at the expiration of sixty days from the time notice of such failure to comply with the provisions of this section shall have been mailed to his last address by the secretary of the board. The secretary of the board shall annually publish a list of all persons who are duly registered as pharmacists in this Commonwealth, and shall mail a copy of same to each registered pharmacist. It shall be the duty of the secretary of the board to erase from the register the name of any registered pharmacist who may have died, removed from, or has forfeited his right under the law to do business in this Commonwealth. Any registered pharmacist who shall sever his connection with the drug bus-

iness for a period of five successive years, shall not be entitled to renew his registration, except upon passing a satisfactory examination before the board of pharmacy, as provided in this act."

Mr. Chipman offered the following amendment to said bill:

Strike out the words "three dollars" in lines five and ten, and insert in lieu thereof "two dollars."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage on said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | Albert Hamilton, | J. M. Robertson, |
| E. Barry, | D. C. Hopper, | J. T. Royalty, |
| W. G. Baxter, | L. F. Johnson, | S. M. Russell, |
| Charles C. Beard, | Wm. F. Klair, | Ed. H. Shellman, |
| B. O. Becker, | Geo. D. Litsey, | T. J. Slaton, |
| Peter Best, Jr., | H. M. McCarty, | Emmet P. Slattery, |
| Joe F. Bosworth, | Virgil McKnight, | W. W. Smith, |
| J. C. Byland, | M. H. McLean, | W. H. Southall, |
| W. T. Cain, | Henry C. Miller, | Hub L. Stevens, |
| M. F. Campbell, | R. W. Miller, | Zeb. A. Stewart, |
| N. B. Chipman, | Chris Mueller, | W. T. White, |
| J. W. Clay, | James S. Morris, | Geo. S. Wilson, |
| W. D. Claybrooke, | Ed. Mulcahy, | Munnell Wilson, |
| Sam. D. Cochran, | Ion B. Nall, | Wm. Wilt, |
| Henry M. Cox, | W. J. Osborne, | W. T. Wright, |
| J. A. Frazier, | Henry G. Overstreet, | James C. Yaden, |
| Lloyd W. Gates, | C. M. Paynter, | J. A. Yates, |
| W. J. Gooch, | M. M. Redwine, | Will A. Young—55. |
| A. J. Gorham, | | |

Those who voted in the negative were—

| | | |
|---|---|---|
| J. M. Alverson, | H. H. Griffin, | R. C. Simmons, |
| John Barr, | John C. Griffith, | John A. Stevens, |
| H. Kirby Bourne, | Paul Gullion, | George W. Stone, |
| Bennett Clarke, | J. A. Hamon, | C. C. Terry, |
| Charles I. Dawson, | C. W. G. Hannah, | A. J. Thompson, |
| A. L. Denny, | W. H. Jones, | Harry Weitkamp, |
| Lawrence J. Diskin, | J. M. Mitchell, | T. A. Weldon, |
| Robert Enlow, | V. W. Morris, | John B. Wicker, |
| M. T. Freeman, | John R. Ray, | J. T. Wilson—29. |
| Taylor P. Gabbard, | Richard S. Rose, | |

Resolved, That the title of said bill be as aforesaid.

Mr. Klair moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 266. An act making it a misdemeanor for any person, company or corporation engaged in operating a coal mine to permit any person to work in a room of his, its or their coal mine, one who has not had two years' experience with or as a practical miner, or unless such person be accompanied by some other person in such work, who has had two years' experience as a practical miner and fixing a penalty for the violation of same.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky.

That from and after the passage of this act it shall be unlawful for any person, company or corporation, engaged in operating a coal mine in this State, to allow or permit any person to work in a room of his, its or their coal mines, unless such person has worked at least two years with or as a practical miner, or unless he be accompan-

ied in such work with some other person who has had at least two years' experience as a practical miner.

Any person, company or corporation who violates this act shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than ten dollars nor more than fifty dollars for each day any such person is allowed to work in his, its, or their mines.

GEO. S. WILSON,
Member from Union County.

Mr. Bosworth moved that said bill lie on the table.

Said motion was disagreed to.

The yeas and nays being required on said motion by Messrs. Geo. S. Wilson and Diskin were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| John Barr, | W. H. Jones, | Hub L. Stevens, |
| W. G. Baxter, | Wm. F. Klair, | Zeb. A. Stewart, |
| B. O. Becker, | Geo. D. Litsey, | T. A. Weldon, |
| Joe F. Bosworth, | V. W. Morris, | W. T. White, |
| W. T. Cain, | Henry G. Overstreet, | John B. Wicker, |
| M. F. Campbell, | M. M. Redwine, | J. T. Wilson, |
| Bennett Clarke, | J. T. Royalty, | Wm. Wilt, |
| J. W. Clay, | S. M. Russell, | W. T. Wright, |
| Henry M. Cox, | Ed. H. Shellman, | J. A. Yates, |
| C. W. G. Hannah, | T. J. Slaton, | Will A. Young—32. |
| D. C. Hopper, | Emmet P. Slattery, | |

Those who voted in the negative were—

| | | |
|---|---|---|
| J. M. Alverson, | Taylor P. Gabbard, | W. J. Osborne, |
| Louis W. Arnett, | Lloyd W. Gates, | C. M. Paynter, |
| E. Barry, | A. J. Gorham, | John R. Ray, |
| Charles C. Beard, | H. H. Griffin, | J. M. Robertson, |
| Peter Best, Jr., | John C. Griffith, | Richard S. Rose. |
| H. Kirby Bourne, | Albert Hamilton, | R. C. Simmons, |
| J. C. Byland, | J. A. Hamon, | W. W. Smith, |
| W. D. Claybrooke, | W. J. Jackson, | John A. Stevens, |

| | | |
|---|---|---|
| Sam. D. Cochran, | M. H. McLean, | George W. Stone, |
| Charles I. Dawson, | Henry C. Miller, | C. C. Terry, |
| A. L. Denny, | R. W. Miller, | A. J. Thompson, |
| Lawrence J. Diskin, | J. M. Mitchell, | Geo. S. Wilson, |
| Robert Enlow, | James S. Morris, | Munnell Wilson, |
| J. A. Frazier, | Ed. Mulcahy, | James C. Yaden—44. |
| M. T. Freeman, | Ion B. Nall, | |

Mr. Overstreet offered the following amendment to said bill:

Strike out "two years" and insert "six months."

Said amendment was disagreed to.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | H. H. Griffin, | S. M. Russell, |
| Louis W. Arnett, | John C. Griffith, | Ed. H. Shellman, |
| E. Barry, | J. A. Hamon, | R. C. Simmons, |
| Charles C. Beard, | L. F. Johnson, | T. J. Slaton, |
| J. C. Byland, | W. H. Jones, | W. W. Smith, |
| W. D. Claybrooke, | M. H. McLean, | W. H. Southall, |
| Sam. D. Cochran, | Henry C. Miller, | John A. Stevens, |
| Charles I. Dawson, | R. W. Miller, | George W. Stone, |
| Lawrence J. Diskin, | J. M. Mitchell, | C. C. Terry, |
| Robert Enlow, | James S. Morris, | A. J. Thompson, |
| J. A. Frazier, | Ion B. Nall, | Geo. S. Wilson, |
| M. T. Freeman, | C. M. Paynter, | Munnell Wilson, |
| Taylor P. Gabbard, | John R. Ray, | James C. Yader—41. |
| Lloyd W. Gates, | J. M. Robertson, | |

Those who voted in the negative were—

| | | |
|---|---|---|
| John Barr, | C. W. G. Hannah, | J. T. Royalty, |
| W. G. Baxter, | D. C. Hopper, | Emmet P. Slattery, |
| B. O. Becker, | W. J. Jackson, | Hub L. Stevens, |
| Joe F. Bosworth, | Wm. F. Klair | Zeb. A. Stewart, |
| H. Kirby Bourne, | Geo. D. Litsey, | T. A. Weldon, |
| W. T. Cain, | Virgil McKnight, | W. T. White, |
| M. F. Campbell, | V. W. Morris, | John B. Wicker, |
| Bennett Clarke, | Ed. Mulcahy, | J. T. Wilson, |
| J. W. Clay, | W. J. Osborne, | Wm. Wilt, |
| Henry M. Cox, | Henry G. Overstreet, | W. T. Wright, |
| A. J. Gorham, | M. M. Redwine, | J. A. Yates, |
| Albert Hamilton, | Richard S. Rose. | Will A. Young—36. |

Resolved, That the title of said bill be as aforesaid.

Mr. George S. Wilson moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 205. An act fixing the rate of interest to be charged guardians, curators and committees.

Together with an amendment thereto by way of substitute therefor, proposed by the Committee on Judiciary.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky.

§ 1. That guardians, curators and committees, appointed and qualifying after the passage of this act, shall be charged with the following rates of interest, to-wit: Where the amount received and held in trust does not exceed one thousand dollars, six (6) per cent.; where the amount exceeds one thousand dollars and not over five thousand dollars, five (5) per cent.; where the amount exceeds

five thousand dollars and not over ten thousand dollars, four (4) per cent.; where the amount exceeds ten thousand dollars, three (3) per cent.

§ 2. All laws or parts of laws in conflict with this act are hereby repealed, and nothing in this act shall apply to guardians, curators or committees heretofore appointed and qualified and now acting in such capacities.

Said substitute amendment is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky.

§1. That guardians, curators and committees, appointed and qualified after the passage of this act, shall be charged with the following rates of interest, to-wit:: Where the amount received and held in trust does not exceed five thousand dollars, five (5) per cent.; where the amount received and held in trust exceeds five thousand dollars, four (4) per cent.; Provided, that nothing in this act shall prohibit or prevent such fiduciaries from accounting for, or being chargeable with, such sum or sums in excess of the rates herein fixed, as may be realized upon any investment of any such funds made by any such fiduciary.

§ 2. All laws or parts of laws in conflict with this act are hereby repealed; provided, that this act shall not repeal or be in conflict with chapter 128 of the Kentucky Statutes, and nothing in this act shall apply to guardians, curators or committees heretofore appointed and qualified, and now acting in such capacities.

Said amendment was agreed to.

Ordered, that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill, at length being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | A. J. Gorham, | Ed. H. Shellman, |
| Louis W. Arnett, | H. H. Griffin, | R. C. Simmons, |
| John Barr, | John C. Griffith, | W. W. Smith, |
| W. G. Baxter, | Albert Hamilton, | W. H. Southall, |
| Charles C. Beard, | J. A. Hamon, | John A. Stevens, |
| B. O. Becker, | D. C. Hopper, | Zeb. A. Stewart, |
| Joe F. Bosworth, | L. F. Johnson, | George W. Stone, |
| H. Kirby Bourne, | Wm. F. Klair, | A. J. Thompson, |
| M. F. Campbell, | Geo. D. Litsey, | Harry Weitkamp, |
| Bennett Clarke, | Virgil McKnight, | John B. Wicker, |
| Sam. D. Cochran, | Henry C. Miller, | Geo. S. Wilson, |
| Henry M. Cox, | Chris Mueller, | J. T. Wilson, |
| Charles I. Dawson, | Ed. Mulcahy, | Munnell Wilson, |
| A. L. Denny, | C. M. Paynter, | James C. Yaden, |
| M. T. Freeman, | M. M. Redwine, | J. A. Yates, |
| Taylor P. Gabbard, | J. T. Royalty, | Will A. Young—50. |
| W. J. Gooch, | S. M. Russell, | |

Those who voted in the negative were—

| | | |
|---|---|---|
| Robert Enlow, | W. J. Jackson, | Emmet P. Slattery, |
| J. A. Frazier, | V. W. Morris, | Hub L. Stevens, |
| Lloyd W. Gates, | John R. Ray, | C. C. Terry—9. |

Resolved, That the title of said bill be as aforesaid.

Mr. Stewart moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 368. An act to amend section 3637 of the Kentucky Statutes relating to the powers of the city council in cities of the fifth class.

**Said bill is as follows, viz.:**

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 3637, Kentucky Statutes, 1903, edition, be, and the same is hereby, amended by adding to said section the following:

"Sub-section 10. Manufacturing establishments may be exempt from taxation—the city council may, by ordinance, exempt manufacturing establishments and the machinery thereof from taxation for a period not exceeding five years from the establishment of same in said city."

And said section as amended shall be as follows, to-wit:

"§ 3637. Powers of the City Council—1. Water and Lights—Purchase, Lease and Sale of Real Estate—The city council of such city shall have power to pass ordinances not in conflict with the Constitution of this State of the United States; to contract for supplying the city with water and lights; to purchase, lease or receive such real estate and personal property, as may be necessary and proper for municipal purposes, and to control, dispose of and convey the same for the benefit of the city: Provided, That they shall not have the power to sell or convey any portion of any water front, but may rent such water front for a term not exceeding twenty years, except the wharf privileges, which shall not be leased for more than five years.

"2. Imposition of Poll-tax—To impose on and collect from every male inhabitant over the age of twenty-one an annual poll-tax, not exceeding one dollar and a half.

"3. Levy and Collection of Ad Valorem Tax—Election—Sinking Fund—To levy and collect annually an ad valorem tax, not exceeding seventy-five cents on each one hundred dollars of the assessed value of all real and personal property within such city, except as hereinafter provided: Provided, That any time the city council shall deem it necessary to incur any indebtedness, the payment of which can not be met by the levy authorized by law, they shall give notice of an election by the qualified electors of the town, to be held to determine whether such indebtedness shall be incurred. Such no-

tice shall specify the amount of the indebtedness proposed to be incurred, the purpose or purposes of the same, and the amount of money necessary to be raised annually by taxation for an interest and sinking fund as herein provided. Such notice shall be published for at least two weeks in some newspaper published in or of general circulation in such town, or by posting written or printed notices at three or more public places in such town. If, upon a canvass of the votes cast at such election, it appears that two-thirds of all the qualified electors in such town shall have voted in favor of incurring such indebtedness, it shall be the duty of the city council to pass an ordinance providing for the creating of such indebtedness, and of paying the same; and in such ordinances provisions shall be made for the levy and collection of an annual tax upon all real and personal property subject to taxation within such town, sufficient to pay the interest on such indebtedness as it falls due; and also to constitute a sinking fund for the payment of the principal thereof within a period of not more than twenty years from the time of contracting the same. It shall be the duty of the city council in each year thereafter, at the time at which other taxes are levied, to levy a tax sufficient for such purposes, in addition to the taxes by this chapter authorized to be levied. Such tax when collected shall be kept in the treasury as a separate fund, to be inviolably appropriated to the payment of the principal and interest of such indebtedness.

"4. License Fees and Taxes on Stock, Franchises, Trades, Occupations and Professions—Liquor License—To impose and collect license fees and taxes on stock used for breeding purposes, and on all franchises, trades, occupations and professions; but the license for the sale of spirituous, vinous or malt liquors shall not be less than two hundred and fifty nor more than one thousand dollars; and no license shall be issued or granted in any city where the sale of such liquors is now forbidden by law, until such law be changed: Provided, That in any town of the fifth class, in which the question as to whether spirituous, vinous or malt liquors might or should be sold, has been since September first, one thousand eight hundred and

ninety-two, or shall hereafter be submitted to the voters thereof, and the majority of the votes cast thereat were or shall be in favor of the sale of such liquors therein, then the city council of such city shall have no right, power, privilege or discretion to refuse to grant license to sell such liquors therein until another election is held therein, as provided by general laws, and a majority of the voters of said city have voted against the sale of such liquors; may impose penalties for violations of the conditions of said license; may provide for the annulment or suspension of the license privileges for violation of the conditions or terms of the license, or of the ordinance governing the same. No license to any or for any business shall be granted for a longer time than one year. The issuing of the different licenses under this chapter shall be under the exclusive control of the city council, who may refuse to grant license, in its discretion, except as herein provided.

"5. Fines, Penalties and Forfeitures for Violation of Ordinances —To impose fines, penalties and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance; to fix the penalty by fine or imprisonment, or both; but no such penalty or fine shall exceed one hundred dollars nor the term of imprisonment exceed fifty days.

"6. Punishment at Hard Labor—To cause persons imprisoned under final judgments in police courts, or in default of payment of fine and costs, or either, imposed by said court, to labor in workhouse, on streets or other public works or property within the city until the imprisonment is satisfied or the fine and costs paid, and to fix the amount of such fine and costs that shall be paid by each day's labor.

"7. To Carry out Provisions of Chapter—To do and perform any and all acts and things necessary and proper to carry out the provisions of this chapter, and to exact and enforce, within the limits of such city, all other local, police, sanitary, and other regulations as do not conflict with general laws.

"8. Public Buildings—Use of Real Estate Dedicated for Streets —The city council shall have the power, by a vote of five members

thereof, to take, use and occupy, for for public building·, real estate dedicated for a street, or any part of same: Provided, Same shall not be so taken and used for such public buildings, until said city council shall have first obtained the written consent of the owners of the lands fronting and abutting upon said dedicated street; and also the written consent of owners of land fronting and abutting upon said dedicated street within one square of that portion so taken. Said written consent shall be acknowledged and recorded in the same manner that deeds to real estate are required to be acknowledged and recorded.

"9. Cemetery—Under Control of City Council—That where the city owns a cemetery it shall be under the control and management of the city council; they shall fix the price at which the lots shall be sold, and may execute deeds therefor; a receipt from the treasurer shall be complete evidence of title; but the city council shall not assess or charge claimants or occupants for lots whose dead have been buried in the lot claimed for five years.

"10. Manufacturing Establishments may be Exempt from Taxation—The city council may, by ordinance, exempt manufacturing establishments and the machinery thereof from taxation for a period not exceeding five years from the establishment of same in said city."

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | Albert Hamilton, | J. M. Robertson, |
| Louis W. Arnett, | J. A. Hamon, | J. T. Royalty, |
| John Barr, | C. W. G. Hannah, | S. M. Russell, |

W. G. Baxter,
B. O. Becker,
Joe F. Bosworth,
J. W. Clay,
W. D. Claybrooke,
Sam. D. Cochran,
Henry M. Cox,
Charles I. Dawson,
A. L. Denny,
Lawrence J. Diskin,
M. T. Freeman,
Taylor P. Gabbard,
Lloyd W. Gates,
A. J. Gorham,
H. H. Griffin,
John C. Griffith,
D. C. Hopper,
L. F. Johnson,
W. H. Jones,
Wm. F. Klair,
Geo. D. Litsey,
H. M. McCarty,
M. H. McLean,
Henry C. Miller,
Chris Mueller,
J. M. Mitchell,
V. W. Morris,
James S. Morris,
Ed. Mulcahy,
W. J. Osborne,
C. M. Paynter,
M. M. Redwine,
Ed. H. Shellman,
R. C. Simmons,
T. J. Slaton,
Emmet P. Slattery,
W. W. Smith,
W. H. Southall,
John A. Stevens,
Zeb. A. Stewart,
C. C. Terry,
Harry Weitkamp,
T. A. Weldon,
Geo. S. Wilson,
James C. Yaden,
J. A. Yates,
Will A. Young—56.

Those who voted in the negative were—

H. Kirby Bourne,
N. B. Chipman,
W. J. Gooch,
W. J. Jackson,
John R. Ray,
George W. Stone,
A. J. Thompson—7.

Resolved That the title of said bill be as aforesaid.

Mr. Arnett moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 474. An act to amend an act, entitled "Mills."

Which became a law March 29, 1902, and is now section 2721, Kentucky Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "Mills," which became a law March 29, 1902, and which is now section 2721 of the Kentucky Statutes, be, and the same is hereby, amended and re-enacted by striking out of said act and section the following words, viz.: "He may take for toll one-eighth part, and no more, of all grain ground or exchanged in a water mill, and one-sixth part, and no more, of all grain ground or exchanged in a steam mill," so that said section, when amended and re-enacted shall read as follows, viz.:

"§ 2721. Every owner or occupier of a mill, grinding for toll, whether established by law or otherwise, shall keep therein and use sealed measures of half bushel and peck, and a toll dish, sealed, and shall measure all grain by strike measure, under the penalty of five dollars for every such failure, recoverable with costs before a justice of the peace, for the use of the informer. Every miller shall well and sufficiently grind the grain brought to his mill for the consumption of the person bringing or sending in due time and in the order that the same shall be brought, giving preference only to what may be necessary for his own family use.

"He may take for toll one-seventh part, and no more, of all grain ground or exchanged in his mill, of which the remaining part except that which is exchanged shall be ground into meal or flour, and one sixteenth part, and no more, of that, the remainder of which, except that which is exchanged, shall be ground into hominy or malt.

"For any violation of these rates, as to time, order or quality of grinding, or as to the amount of toll taken or demanded, the owner or occupier of the mill shall forfeit five dollars to the party injured, recoverable, with costs, before a justice of the peace."

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | John C. Griffith, | John R. Ray, |
| Louis W. Arnett, | Albert Hamilton, | M. M. Redwine, |
| John Barr, | L. F. Johnson, | J. M. Robertson, |
| W. G. Baxter, | Wm. F. Klair, | S. M. Russell. |
| B. O. Becker, | Geo. D. Litsey, | R. C. Simmons, |
| Peter Best, Jr., | H. M. McCarty, | Emmet P. Slattery, |
| Joe F. Bosworth, | Virgil McKnight, | W. H. Southall, |
| H. Kirby Bourne, | R. W. Miller, | George W. Stone. |
| N. B. Chipman, | Chris Mueller, | C. C. Terry, |
| Bennett Clarke, | V. W. Morris, | John B. Wicker, |
| J. W. Clay, | James S. Morris. | Geo. S. Wilson, |
| A. L. Denny, | Ed. Mulcahy, | Munnell Wilson, |
| Lawrence J. Diskin, | W. J. Osborne, | W. T. Wright, |
| Lloyd W. Gates, | C. M. Paynter, | Will A. Young—43. |
| H. H. Griffin, | | |

Those who voted in the negative were—

| | | |
|---|---|---|
| Sam. D. Cochran, | C. W. G. Hannah, | J. T. Royalty, |
| W. J. Gooch, | D. C. Hopper, | Zeb. A. Stewart—8. |
| J. A. Hamon, | W. J. Jackson, | |

Resolved, That the title of said bill be as aforesaid.

Mr. Young moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 337. An act to repeal an act incorporating the town of Newfoundland.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the act of the General Assembly creating the town of New-

foundland, in Elliott county, approved 3d day of May, 1884, and all acts and parts of acts relative thereto be, and the same are hereby, repealed.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

J. M. Alverson,
Louis W. Arnett,
John Barr,
B. O. Becker,
Peter Best, Jr.,
Roger P. Blair,
Joe F. Bosworth,
H. Kirby Bourne,
M. F. Campbell,
N. B. Chipman,
Bennett Clarke,
J. W. Clay,
W. D. Claybrooke,
Sam. D. Cochran,
Henry M. Cox,
Charles I. Dawson,
Lawrence J. Diskin,
Robert Enlow,
M. T. Freeman,
Taylor P. Gabbard,
Lloyd W. Gates,
W. J. Gooch,
H. H. Griffin,
John C. Griffith,
Albert Hamilton,
J. A. Hamon,
C. W. G. Hannah,
D. C. Hopper,
W. J. Jackson,
L. F. Johnson,
W. H. Jones,
Wm. F. Klair,
Geo. D. Litsey,
H. M. McCarty,
Virgil McKnight,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
Chris Mueller,
J. M. Mitchell,
V. W. Morris,
James S. Morris,
Ed. Mulcahy,
W. J. Osborne,
C. M. Paynter,
John R. Ray,
M. M. Redwine,
J. M. Robertson,
J. T. Royalty,
S. M. Russell,
R. C. Simmons,
Emmet P. Slattery,
W. H. Southall,
Zeb. A. Stewart,
George W. Stone,
C. C. Terry,
A. J. Thompson,
John B. Wicker,
Geo. S. Wilson,
Munnell Wilson,
W. T. Wright,
James C. Yaden,
J. A. Yates,
Will A. Young—64.

In the negative--none

Resolved, That the title of said bill be as aforesaid.

Mr. Redwine moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 247. An act to provide for the punishment of persons responsible for or directly promoting or contributing to the conditions that render a child dependent, neglected or delinquent.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any parent or parents, or legal guardian, or person having the custody of any dependent, neglected or delinquent child, as defined by the statutes of this State, or any other person who shall knowingly or wilfully encourage, aid, cause, abet, or connive at such state of dependency, neglect, or delinquency, or shall knowingly or wilfully do any act or acts that directly produce, promote or contribute to the conditions which render such child a dependent, neglected, or delinquent child, as so defined, or who, having the custody of such child, shall, when able to do so, wilfully neglect to do that which will directly tend to prevent such state of dependency, neglect or delinquency, or to remove the conditions which render such child either a neglected, dependent or delinquent child, as aforesaid, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than two hundred ($200.00) dollars, or by imprisonment in the county jail, house of correction, or workhouse, for not more than twelve months, or both by fine and imprisonment: Provided, that instead of imposing the punishment hereinbefore provided, the court shall have the power to enter an order suspending sentence and releasing the defendant from custody on probation, for the space of one year,

upon his or her entering into a recognizance, with or without sureties, in such sums as the court may direct. The conditions of the recognizance shall be such that if the defendant shall make his or her personal appearance in court whenever ordered to do so within a year, and shall provide and care for such dependent, neglected or delinquent child in such manner as to prevent a continuance or repetition of such state of dependency, neglect or delinquency, or as otherwise may be directed by the court, and shall further comply with the terms of such order, then the recognizance shall be void, otherwise in full force and effect. If the court be satisfied, by information or due proof under oath, that at any time during the year the defendant has violated the terms of such order, it may forthwith revoke such order and sentence him or her under the original conviction. Unless so sentenced, the defendant shall, at the end of such year, be discharged, and such conviction shall become void.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Colnstitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | John C. Griffith, | C. M. Paynter, |
| Louis W. Arnett, | B. P. Grigsby, Sr., | John R. Ray, |
| John Barr, | James A. Hagan, | M. M. Redwine, |
| W. G. Baxter, | Albert Hamilton, | J. M. Robertson, |
| B. O. Becker, | C. W. G. Hannah, | Richard S. Rose, |
| Peter Best, Jr., | D. C. Hopper, | J. T. Royalty, |
| H. Kirby Bourne, | W. J. Jackson, | S. M. Russell, |
| M. F. Campbell, | W. H. Jones, | Ed. H. Shellman, |
| N. B. Chipman, | Wm. F. Klair, | R. C. Simmons, |
| Bennett Clarke, | Geo. D. Litsey, | T. J. Slaton, |

| | | |
|---|---|---|
| W. D. Claybrooke, | H. M. McCarty, | Emmet P. Slattery, |
| Sam. D. Cochran, | Virgil McKnight, | W. H. Southall, |
| Henry M. Cox, | M. H. McLean, | Zeb. A. Stewart, |
| Charles I. Dawson, | Henry C. Miller, | George W. Stone, |
| A. L. Denny, | R. W. Miller, | C. C. Terry, |
| Lawrence J. Diskin, | Chris Mueller, | T. A. Weldon, |
| Robert Enlow, | J. M. Mitchell, | John B. Wicker, |
| J. A. Frazier, | V. W. Morris, | Geo. S. Wilson, |
| M. T. Freeman, | James S. Morris, | Munnell Wilson, |
| Taylor P. Gabbard, | Ed. Mulcahy, | W. T. Wright, |
| Lloyd W. Gates, | Ion B. Nall, | James G. Yaden. |
| W. J. Gooch, | W. J. Osborne, | J. A. Yates, |
| A. J. Gorham, | Henry G. Overstreet, | Will A. Young—70. |
| H. H. Griffin, | | |

In the negative—A. J. Thompson.

Resolved, That the title of said bill be as aforesaid.

Mr. Klair moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

Mr. Arnett offered the following resolution, viz.:

Resolved, That in the contest of Neal v. Baxter, in which contestee W. G. Baxter was seated, the additional sum of sixty-five dollars be allowed to said Baxter to cover additional expenses of said contestee in defending said contest, and which additional expense was by oversight omitted from the original resolution, for allowance herein. Said sum to be contingent expense of this House and to be paid by the Auditor upon the certificate of the clerk of the House, and a copy of this resolution shall be sufficient certificate.

Said resolution was agreed to.

The committees to which the same had been referred reported the following bills, viz.:

By Mr. Arnett, of the Committee on Circuit Courts:

S. B. 165. An act to amend sections 2241, 2242, 2243, and repealing and providing a substitute for section 2247 of the Kentucky Statutes compiled and edited by John D. Carroll, and issued in 1903, said section being a part of article 1, chapter 74, of the Kentucky Statutes, and entitled "Juries."

Mr. Redwine, of the Committee on Kentucky Statutes:

H. B. 260. An act to amend Act of March 17, 1902, entitled "An act for the protection of orchards, game preserves, ginseng gardens, or farms or other private premises," same being chapter 22 of Acts of 1902.

By same:

H. B. 284. An act to amend article 1, chapter 110, of Kentucky Statutes, Carroll edition 1903, entitled "Roads and Passways," providing that fiscal courts may prescribe amount of work lawful road hands who own teams are required to do, duty of overseers and punishment for failure of hands or overseers to do their duty as prescribed by this act.

By same:

H. B. 285. An act to amend article 1, chapter 110, of Kentucky Statutes, Carroll edition, 1903, entitled "Roads and Passways," establishing public roads, institutes and prescribing punishment for overseers failing to attend same, and further prescribing punishment for failure of county judge to do his duty as set out in this act.

By same:

H. B. 503. An act to prevent the fraudulent disposition of personal property.

Said bills were severally read the first time at length and ordered to be placed on the calendar.

And then the House adjourned.

TUESDAY, MARCH 6, 1906.

The House opened with prayer by the Rev. T. N. Arnold, of the Christian church.

The reading of the Journal of yesterday's proceedings was dispensed with and the same was approved.

Mr. Alverson introduced the following bill:

H. B. 511. An act to repeal and re-enact section 1697, Kentucky Statutes 1903, compiled and edited by John D. Carroll.

Ordered printed, and was referred to the Committee on Kentucky Statutes.

Mr. Simmons offered the following resolution, viz.:

Whereas, It appears to the House that all the copies of House Bill No. 333, as amended and passed by the House on February —, 1906, which copies were returned from the official printers on March 1, 1906, have disappeared from the custody of the House, and have been surreptitiously taken from the custody of the bill clerk of the House; and,

Whereas, It further appears that all the printed copies of said amended bill have disappeared from the files of the Senate, so that same have not reached the members of said body; and,

Whereas, The printed copies of said amended bill reserved by the printer have also disappeared from the files in the office of said printer; and,

Whereas, The copy of said bill certified and reported to the Senate on February 15, 1906, can not be located; and,

Whereas, There is evidence of the execution of a purpose on the part of those interested in suppressing or defeating said measure to prevent a consideration thereof by the Senate, to thwart the

will of the House and to impede the progress of its legislation; now, therefore,

Be it resolved, That these conditions call for a searching and unsparing investigation of all the facts in connection with the disappearance of the said printed and certified copies of said bill, and that the chair appoint a committee of three members of the House to conduct such investigation, which committee shall at once promptly and thoroughly investigate all the facts connected with the disappearance of said printed and certified copies of said bill, and shall to that end cause the attendance of witnesses before it and compel their testimony under oath, and shall also require the production of such books and papers as may be competent evidence touching the matters by it to be considered.

Said committee shall report in writing with all reasonable dispatch to this House its findings on the subject hereby referred to it, together with a transcript of the testimony introduced before it.

Said resolution was agreed to.

Thereupon the Speaker appointed as said committee Messrs. Simmons, George S. Wilson and Dawson.

Mr. Johnson called from the orders of the day a bill, entitled

S. B. 101. An act to amend and re-enact an act, entitled "An act to provide for the improvement and development of the live stock, agricultural and kindred interests by the establishment and maintenance of a State fair," being chapter 1193 of the Kentucky Statutes, approved March 29, 1902.

Ordered that said bill be recommitted to the Committee on Appropriations.

Mr. Dawson called up for consideration, from the clerk's desk. a bill, entitled

H. B. 103. An act to provide for paying the expenses of the State Superintendent when visiting different parts of the State in the interest of education.

Together with the amendment proposed thereto by the Senate.

(For bill see House Journal, February 7th.)

The amendment as proposed thereto by the Senate is as follows, viz.:

Amend by striking out the figures "$900.00" and inserting the figures "$500.00."

Amend by inserting after the figures "$900.00" the word "annually."

Said amendment was concurred in.

Said bill as amended was passed.

The yeas and nays being taken on the passage of said bill as amended, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | A. J. Gorham, | J. T. Royalty, |
| Louis W. Arnett, | H. H. Griffin, | S. M. Russell, |
| John Barr, | John C. Griffith, | J. T. Scott, |
| E. Barry, | B. P. Grigsby, Sr., | Ed. H. Shellman, |
| W. G. Baxter, | Paul Gullion, | R. C. Simmons, |
| Charles C. Beard, | Albert Hamilton, | T. J. Slaton, |
| B. O. Becker, | J. A. Hamon, | Emmet P. Slattery, |
| Peter Best, Jr., | C. W. G. Hannah, | W. H. Southall, |
| Roger P. Blair, | L. P. Head, | Hub L. Stevens, |
| Joe F. Bosworth, | W. J. Jackson, | John A. Stevens, |
| J. C. Byland, | L. F. Johnson, | Zeb. A. Stewart, |
| M. F. Campbell, | Wm. F. Klair, | C. C. Terry, |
| N. B. Chipman, | Geo. D. Litsey, | A. J. Thompson, |
| J. W. Clay, | H. M. McCarty, | C. F. Thornton, |
| W. D. Claybrooke, | Henry C. Miller, | Harry Weitkamp, |
| Sam. D. Cochran, | R. W. Miller, | T. A. Weldon, |
| H. K. Cole, | Chris Mueller, | John B. Wicker, |
| Henry M. Cox, | J. M. Mitchell, | Geo. S. Wilson, |
| Charles I. Dawson, | James S. Morris, | J. T. Wilson, |

| | | |
|---|---|---|
| A. L. Denny, | Ed. Mulcahy, | Munnell Wilson, |
| Lawrence J. Diskin, | Ion B. Nall, | Wm. Wilt, |
| Robert Enlow, | W. J. Osborne, | J. Hal Woodford, |
| J. A. Frazier, | Henry G. Overstreet, | James C. Yaden, |
| Taylor P. Gabbard, | C. M. Paynter, | J. A. Yates, |
| Lloyd W. Gates, | M. M. Redwine, | Will A. Young—77. |
| W. J. Gooch, | J. M. Robertson, | |

Those who voted in the negative were—

| | | |
|---|---|---|
| Bennett Clarke, | John R. Ray, | W. B. Wright—4. |
| V. W. Morris, | | |

A message was received from the Senate announcing that they had concurred in a resolution and passed bills which originated in the House, of the following titles, viz.:

H. Res. 21. Resolution authorizing a revision and recommendation of insurance laws of Kentucky and authorizing the appointment of a commission therefor.

H. B. 82. An act to provide for the payment of interest, and to create a sinking fund for the ultimate redemption of county bonds issued for the benefit of certain turnpike taxing districts.

H. B. 23. An act to amend section 74 of the Civil Code of Practice.

With an amendment to the last named bill.

That they had adopted a resolution and passed bills of the following titles, viz.:

(1) S. Res. 25. Resolution relative to the A. and M. College.

(2) S. B. 86. An act to amend section 1254, Kentucky Statutes.

(3) S. B. 225. An act to amend an act, entitled "An act to authorize the counties in this Commonwealth to issue bonds for the construction of turnpikes and gravel roads," approved March 22, 1904.

(4) S. B. 272. An act to ratify and confirm charters of corporations heretofore taken out under the laws of the Commonwealth under the statute permitting a consolidation of corporations.

Said resolution and bills were ordered to be printed, and were by the Speaker referred:

One, to the Committee on A. and M. College.
Two, to the Committee on Criminal Law.
Three, to the Committee on Internal Improvements.
Four, to the Committee on Corporate Institutions.

At 12 o'clock m. the House took up for consideration the special order for the day for that hour, to-wit, a bill entitled

H. B. 47. An act to amend an act, entitled "An act for the government of cities of the second class in the Commonwealth of Kentucky," approved March 19, 1894.

Together with the amendments proposed thereto by the Senate.

(For bill and amendments see House Journal of yesterday.)

The motion made on yesterday by Mr. Klair that the vote by which said bill as amended was passed be reconsidered was agreed to.

Mr. Simmons moved to reconsider the vote by which the House concurred in the amendments proposed by the Senate to said bill.

Said motion was agreed to.

Mr. Simmons moved that the House do now refuse to concur in division 3 of amendment No. 2, as proposed by the Senate to said bill.

Said motion was disagreed to.

The amendments as proposed by the Senate to said bill were then concurred in as an entirety.

Said bill as amended was then passed.

The yeas and nays being taken on the passage of said bill as amended, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

J. M. Alverson,
Louis W. Arnett,
John Barr,
E. Barry,
W. G. Baxter,
B. O. Becker,
Joe F. Bosworth,
H. Kirby Bourne,
J. C. Byland,
Bennett Clarke,
Sam. D. Cochran,
H. K. Cole,
Henry M. Cox,
Charles I. Dawson,
A. L. Denny,
Thomas Drewry,
W. Reed Embry,
Robert Enlow,
J. A. Frazier,
M. T. Freeman,
Taylor P. Gabbard,
Lloyd W. Gates,
W. J. Gooch,
A. J. Gorham,
John C. Griffith,
Paul Gullion,
W. C. Halbert,
J. A. Hamon,
D. C. Hopper,
W. H. Jones,
Wm. F. Klair,
Geo. D. Litsey,
H. M. McCarty,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
Chris Mueller,
J. M. Mitchell,
V. W. Morris,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
C. M. Paynter,
M. M. Redwine,
J. M. Robertson,
Ed. H. Shellman,
Emmet P. Slattery,
W. W. Smith,
Hub L. Stevens.
Zeb. A. Stewart,
C. C. Terry,
C. F. Thornton,
Harry Weitkamp,
T. A. Weldon,
J. T. Wilson,
Wm. Wilt,
W. T. Wright,
Jas. C. Yaden—59.

Those who voted in the negative were—

Peter Best, Jr.,
W. T. Cain,
M. F. Campbell,
W. H. Cole,
Lawrence J. Diskin,
L. P. Head,
W. J. Jackson,
John R. Ray,
Richard S. Rose,
J. T. Royalty,
S. M. Russell,
R. C. Simmons,
T. J. Slaton,
John A. Stevens,
George W. Stone,
A. J. Thompson,
Geo. S. Wilson,
Munnell Wilson,
J. Hal Woodford,
J. A. Yates—20.

Mr. Stone called up for consideration the motion made by him on yesterday to reconsider the vote by which the House refused to pass a bill, entitled

H. B. 204. An act relating to the evidence and damages in actions for libel.

Mr. Gooch moved that said motion lie on the table.

Said last-named motion was agreed to.

The yeas and nays being required thereon by Messrs. Drewry and Mueller, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| John Barr, | Taylor P. Gabbard, | John R. Ray, |
| Charles C. Beard, | W. J. Gooch, | M. M. Redwine, |
| Peter Best, Jr., | A. J. Gorham, | J. M. Robertson, |
| W. T. Cain, | H. H. Griffin, | J. T. Scott, |
| M. F. Campbell, | Albert Hamilton, | Ed. H. Shellman, |
| N. B. Chipman, | J. A. Hamon, | T. J. Slaton, |
| Bennett Clarke, | D. C. Hopper, | W. H. Southall, |
| J. W. Clay, | W. J. Jackson, | George W. Stone, |
| Sam. D. Cochran, | W. H. Jones, | A. J. Thompson, |
| W. H. Cole, | Geo. D. Litsey, | Harry Weitkamp, |
| Henry M. Cox, | M. H. McLean, | John B. Wicker, |
| Charles I. Dawson, | J. M. Mitchell, | J. T. Wilson, |
| A. L. Denny, | V. W. Morris, | J. Hal Woodford, |
| Lawrence J. Diskin, | James S. Morris, | W. T. Wright, |
| Robert Enlow, | W. J. Osborne, | J. A. Yates, |
| J. A. Frazier, | C. M. Paynter, | Will A. Young—49. |
| M. T. Freeman, | | |

Those who voted in the negative were—

| | | |
|---|---|---|
| J. M. Alverson, | B. P. Grigsby, Sr., | J. T. Royalty, |
| Louis W. Arnett, | Paul Gullion, | S. M. Russell, |
| E. Barry, | W. C. Halbert, | R. C. Simmons, |
| W. G. Baxter, | C. W. G. Hannah, | Emmet P. Slattery, |
| B. O. Becker, | L. P. Head, | W. W. Smith, |
| Roger P. Blair, | L. F. Johnson, | Hub L. Stevens, |
| Joe F. Bosworth, | Wm. F. Klair, | John A. Stevens, |
| H. Kirby Bourne, | H. M. McCarty, | Zeb. A. Stewart, |
| J. C. Byland, | Virgil McKnight, | C. C. Terry, |

W. D. Claybrooke, Henry C. Miller, C. F. Thornton,
H. K. Cole, R. W. Miller, T. A. Weldon,
Thomas Drewry, Chris Mueller, Munnell Wilson,
W. Reed Embry, Ion B. Nall, Wm. Wilt,
Lloyd W. Gates, Richard S. Rose, James G. Yaden—43.
John C. Griffith,

The House took up for consideration from the orders of the day, a bill, entitled

S. B. 162. An act creating and establishing a Board of Commissioners, to be known the The Kentucky State Board of Control for Charitable Institutions and prescribing its duties and powers.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky.

§ 1. That a Board of Commissioners is hereby created, to be known as the Kentucky State Board of Control for Charitable Institutions, to manage and govern the three asylums for the insane and the Feeble Minded Institute at Frankfort. Said Board shall consist of three members to be appointed by the Governor, by and with the advice and consent of the Senate, for a term of four years, and until their successors are appointed and qualified, except when this act shall go into effect, the three Commissioners first appointed shall hold their offices for terms of the following lengths, to-wit: The term of the first member shall expire on the first Monday in January, 1908; the term of the second member on the first Monday in January, 1909; and the term of the third member on the first Monday in January, 1910, and thereafter the term of the successor shall be four years from said date. No person shall be appointed as a member of the Board who has not reached the age of twenty five years, or who has not been a citizen of the State for the last five years preceding his appointment. Before entering upon the discharge of his duties such Commissioner shall take the oath of office required of other State officers, a record of which shall be entered upon the Executive Journal in the Governor's office, and he shall

execute a bond to the Commonwealth of Kentucky in the sum of twenty-five thousand dollars ($25,000) for the faithful discharge of his duties, which bond, to be sufficient, must be approved by the Governor, and filed in the office of the Secretary of State. The Governor may, when the Senate is not in session, make removals of the members of the Board for cause, to be stated in writing, and may fill vacancies in the Board subject to the approval of the Senate when it convenes; and in any case of removal, the Governor shall submit the facts and reasons to the Senate for its approval, and the Senate shall have power to reinstate such person removed.

§ 2. The Board shall be a body politic and corporate, and have the right to sue and be sued, contract and be contracted with, and is invested with all the powers necessary to carry into full effect the purposes of its establishment. The present Boards of Commissioners of all of these aforesaid institutions as now existing under law, are hereby abolished, and all the powers and duties now devolving upon said Boards in reference to the institutions are placed by this act into the hands of the new Board of Control, in addition to such other powers and duties given it under this act. All laws or parts of laws now existing in relation to the management and control of the said institutions in conflict with the provisions and purposes of this act are hereby repealed; and the present laws relating to them, so far as they are not incompatible with the provisions of this act, are continued in full force and effect.

§ 3. The Board of Control shall elect one of its members president, and each member shall receive as compensation for his services a salary of $2,500 per year and his necessary traveling expenses in the discharge of his duties, which expenses shall be itemized and approved by the Board, and certified to the Auditor of Public Accounts. The salaries of the members of the Board and employes shall be paid monthly as now paid to other State officials. The Board shall elect a secretary who shall hold his office at the pleasure of the Board, and who shall receive for his services an annual salary of $1,200. An office shall be provided for the Board at the capitol, and at least one member of the Board and the secretary shall re-

main in Frankfort all the time, when not attending a Board meeting at some one of the institutions. The Board shall adopt such by-laws and regulations for the transaction of its business and the management of its affairs as it may consider expedient, and are not inconsistent with law. The Board of Control shall hold regular meetings at each of the institutions under their control, as provided in this act, at least once in each month, and oftener if the interests of the institutions shall require, and shall make a minute and thorough examination of the affairs, management, property, clothing, food, supplies, condition of buildings and grounds, and the conduct of each and every official and employe of said institution, of which they shall make a complete record, together with such rules and regulations as they may give. Meetings may be called by the president or any two Commissioners, and they shall maintain a vigilant inspection of such institutions and ascertain whether the moneys appropriated for their aid have been judiciously and economically expended, and whether the objects of the several institutions are being properly accomplished and the laws in relation to same fully complied with, and will report in writing to the Governor during the month of October each year the result of their investigations, together with such other information and recommendations as they may deem proper.

§ 4. The Board shall have power to appoint at each of the three insane asylums a medical superintendent, a first, second and third assistant physician, each of whom shall be a skillful and competent physician, entitled to practice medicine under the laws of this State, and who shall have practiced his profession at least three years, and a steward; and at the Feeble-minded Institute, a medical superintendent, with the same qualifications as the superintendent of an insane asylum, and a steward, These officers shall reside at the asylum, and their duties shall remain the same as now established by law, except where the duties may be changed by the duties of this act. Their term of office shall be for four years, and they shall be subject to removal by the Board for cause to be stated in writing, but any one so removed shall have an appeal to the Gover-

nor, who, upon a full hearing of the case, may reinstate the person so removed. The superintendent of each institution shall have the same power and authority for the appointment and removal of subordinate officials in the institution as he now has under the law governing insane asylums.

§ 5. The Board of Control shall keep a record of all their proceedings, which, together with the books of the secretary, steward and other officials, and all books and papers of the institution, shall always be open to the inspection of the superintendent, any commissioner, the Governor, a committee of the Legislature, or any person appointed either by the Governor or the Legislature for their examination. They shall require the superintendent, assistant physicians, steward, receiver, secretary and matron to each take an oath, in the presence of the Board, to well and truly discharge the duties of their respective offices, and the fact that such oath has been administered shall be entered on the records.

§ 6. The fiscal year of the institutions shall begin October first and close September thirtieth, and the superintendent and board of control shall, during the month of October in each year, make a report to the Governor of the condition of the institution under their charge, exhibiting the amount of income and expenditure, and from what source the income was received, and for what use the expenditure was made, the number of the inmates received and discharged, or left during the year, with such other facts and suggestions as they may deem important, which report the Governor shall communicate to the Legislature at its next regular session.

§ 7. The board of control is authorized to draw upon the Auditor of Public Accounts monthly for such sums of money as are necessary to run said institution, including the salaries due all officers and employes. Said order shall specify the purposes for which the expenditure was made and the amount and the persons to whom to be paid. The order shall be signed by the secretary and countersigned by the president of the board, and shall not be issued except by order of the board entered of record, specifying the amount and the purpose for which the expenditure was made and to whom. When

such order is received by the Auditor, he shall draw his order on the State Treasury in favor of the persons specified in said order, and the amount directed to be paid each; and said warrant must specify for what purpose the money is to be used; and the State Treasurer shall, out of the money in the State Treasury not otherwise appropriated, pay said warrants. Said orders and warrants shall be carefully preserved, and shall become vouchers for the amount paid out as specified by them.

§ 8. The board of control and the superintendent of each institution named in this act shall, at the end of each month, jointly certify to the Auditor of Public Accounts the number of inmates actually supported by the institution, specifying the number who do not pay anything, the number who pay in full, and the number who pay in part, and the amount so paid; and in no event shall the amount paid to any institution exceed one hundred and fifty dollars per annum for each pauper patient supported by said institution.

§ 9. The board of control shall keep the buildings and furniture of the institution constantly insured, and the amount of premiums on each insurance shall be certified to the Auditor by the superintendent and president of the board of control, and thereupon the Auditor shall draw his warrant for the amount upon the State Treasury, payable to the superintendent.

§ 10. The superintendent shall examine all claims and accounts against their respective institutions, and report any fact or circumstance indicating any irregularity, fraud or wrong to the board of control; and if they have any doubt of the justice or legality of any claim, they may require both the superintendent and the steward to endorse their opinions in writing on the back thereof; and it shall be the duty of said officers to endorse any claim when required by the board to do so; and the board of control shall not direct any claim, or part thereof, to be paid until they are satisfied, from such investigation as may be necessary, that the same is just, legal and right; and no claim of any kind shall be paid, in whole or in part,

whether presented by an officer of the institution or other person, until it shall first have been examined and approved by the superintendent, and submitted to the board of control and determined by them to be just and right, and directed to be entered upon the record of its proceedings; and the president shall not issue any warrant upon the Auditor of Public Accounts, except for the amount of claims which have been so submitted to the board, allowed by it and ordered to be paid.

§ 11. Whenever the president shall issue a warrant, he shall cause the number, amount and date thereof, and the name of the person in whose favor it is made, to be entered by the secretary in a separate book kept for that purpose; and whenever he shall receive any money for the use of the institution, he shall cause the same to be entered by the secretary in said separate book, but in a different part of it, stating the amount of money and when and from whom received, and thereupon he shall deposit said money and other means (of whatever character they may be) with the Auditor of Public Accounts, and take his receipt therefor and preserve it as a voucher.

§ 12. No commissioner or other officer shall sell anything to the institutions herein mentioned, or make any contract with them in which he is directly or indirectly interested. Any violation of this act shall subject the person so offending to a fine of not less than two hundred and fifty dollars, nor more than one thousand dollars, upon conviction had upon indictment by the grand jury of the county in which is situated the institution to which the articles were sold or with which, or any of the officers of which, the contract was made.

§ 13. The said board of control shall have full power at all times to look into and examine the condition of the several institutions of the State, heretofore mentioned, financially or otherwise; to inquire and examine into the government and management of their inmates, the official conduct of the officers and employes of same, the condition of the buildings, grounds and other property connected

therewith, and in all other matters pertaining to their usefulness and good management, and for these purposes they shall have free access to the grounds, buildings and all books and papers relating to said institutions, and all persons now or hereafter in any manner connected with the same are hereby directed and required to give such information and afford such facilities for inspection as said commissioners may require, and any neglect or refusal on the part of any officer or person connected with such institution to comply with the provisions of this section shall subject the offender to a penalty of two hundred and fifty dollars, to be sued for and collected by said commissioners in their name of office. Said commissioners shall have full and complete management and control over all asylums for the insane and feeble-minded institutes of the Commonwealth of Kentucky that are now and may hereafter be established. Said board shall prescribe rules and regulations for the government of said institutions, for the proper maintenance, treatment and care of patients, for the preservation of buildings and grounds, for the use and cultivation of farms and gardens, and the sale of surplus produce, the purchase of clothing, food, medicine, and all supplies needful to same, and such rules and regulations as prescribed shall be faithfully observed by all the officers and employes of said institution, and have power to remove inmates from one asylum to another.

§ 14. Where patients have been or may be supported in any of the institutions embraced in the provisions of this act, have or shall acquire estates which can be subject to debt, the board of control is authorized and directed in every such case to sue for in the name of such institution and recover the amount of such patient's board at the rate of one hundred and fifty dollars per year, or so much thereof as such estate will suffice to pay for the time they shall have been respectively kept and maintained therein, and not otherwise paid for, and by proper proceedings to subject their estates, respectively, to payment thereof; and when the husband, wife or parent of any such patient, who has been or may be supported

in either of said institutions, shall have an estate sufficient for the support of such patient, in addition to the support of any other who may be dependent on such husband or parent, in like manner to sue for and recover from such husband the amount of his wife's board, and from such parent the amount of his or her child's board, at the rate aforesaid, for the time they shall have been respectively supported by such institution. The net sum realized in such suits shall be paid over to the State Auditor and covered into the State Treasury. In case of failure of suits, the expense thereof shall be certified by the superintendent to the State officer, who shall provide for its payment out of the State Treasury.

§ 15. The said Board of Control may embrace all the asylums in their purchase of supplies for same, or they may purchase supplies for each asylum separately; but when a purchase of supplies exceeding one thousand dollars is contemplated, the Board shall, by advertisement, invite bids on furnishing said supplies, and accept the lowest and best bidder to furnish same; and the various bids made, with the names of the parties making same, shall be preserved by the board as a part of the record of its office.

§ 16. The steward shall have charge of the farm and garden attached to the institution, and shall have and control the cultivation and management of the same, subject to the regulation of the Board of Control. Within the first week after entering upon his duties, he shall take and file with the commissioners a complete inventory of all the crops on hand, live stock, farming utensils, vehicles and all other effects properly pertaining to the farm and garden, and shall preserve and be responsible for these and for all subsequent products of the farm and garden, and all other stocks and effects that may come into his charge in the management thereof, and none of them shall be taken therefrom without the knowledge and consent of the superintendent. It shall be his duty to furnish for the institution such supplies from the farm and garden as can be provided therefrom, and to present monthly to the secretary written statements of the kinds, amounts and market value of the

supplies furnished, verified by certificates from the officers through whose hands they have passed. These statements shall be entered in the books of the secretary and steward, and filed and kept by the latter as vouchers. No stock or produce of the farm or garden shall be sold by the steward without authority from the Board of Control, and when sales are made he shall pay and deliver the proceeds to the Auditor of Public Accounts, and take his receipt therefor, specifying what was sold, to whom and for what price. These receipts shall be recorded in the books of the secretary and steward, and filed and kept by the latter in his office as vouchers. It shall be his duty to keep a record of all official acts and to report them to the superintendent monthly, together with a statement of the condition of the farm and garden, and the number, character and condition of the stock under his care and control. He shall annually, during the month of November, make and render to the Board of Control a true and perfect inventory, verified by oath, of all the personal property of every description belonging to the institution, with the estimated value of the various articles. Before entering upon the duties of his office, he shall execute a covenant to the Commonwealth, with good sureties, worth four thousand dollars, to be approved by the Board of Control, for the faithful discharge of his duties, which covenant shall be filed and preserved by the secretary and renewed annually.

§ 17. The commissioners and all officers and servants of each institution shall be exempt from militia duty, from working on the public highway, and from serving on any jury. Nor shall the officers and servants be required to give personal attendance as witnesses in any civil suit out of the county in which the institute is situated, but their depositions shall be taken in lieu thereof.

§ 18. It shall be the duty of the Governor, whenever, in his opinion, the interest of the Commonwealth demands it, to direct the State Inspector and Examiner to inspect the books and accounts of either institution, and report its true financial condition and management as respects receipts and disbursements, and the propriety thereof.

§ 19. The said Board of Control may institute and prosecute proceedings in its own name, in any court having jurisdiction, by writ of ad quod damnum, as in cases to condemn lands for public roads, to condemn any land not exceeding ten acres which may be adjoining the land owned by such asylums, which may be deemed by the Board of Control to be necessary to secure or protect the water supply of such asylum, but no such proceedings shall be commenced until so directed by a majority of the Board of Control, by a resolution adopted at a regular meeting thereof. The value of the land so assessed and condemned in, and the cost of such proceedings, shall be paid by order of such Board of Control.

§ 20. In case of sickness or absence of the superintendent, his duties shall be discharged by the first assistant physician, and if he be absent or sick, then by the second assistant physician, and so forth.

§ 21. The salary of each superintendent shall be two thousand dollars per annum; the salary of each first assistant physician shall be twelve hundred and fifty dollars per annum; the salary of each second assistant physician shall be one thousand dollars per annum; the salary of each third assistant physician shall be eight hundred dollars per annum; the salary of each steward shall be eleven hundred dollars per annum; and the salary of each receiver shall be six hundred dollars per annum.

§ 22. The medical superintendent shall have the general management, supervision and control of the patients, subject to the regulations of the Board of Control, and shall devote his entire time thereto. He shall keep a register of all patients, showing their names, ages, residences, dates of reception and discharge or death, by whose authority received or discharged, and whether they are pay patient or paupers. He shall keep or cause to be kept by the assistant physician a case book, in which he shall enter a history of the case of each patient received into the asylum, as fas as it is possible to make out such history from creditable information; also the condition at time of admission, together with a detailed

statement of medical treatment; an "accident book," in which shall be recorded a statement of all accidents, whether serious or slight, to any of the patients of said asylum, whether self-inflicted or occurring otherwise, together with a statement of the causes of such accidents or injuries; and also the names, if any, of the persons who have been witnesses thereof; and a "restraint record," which shall show the name of each person within said asylum subject to restraint by belt, gloves, muffs, camisoles, cribs, or other mechanical restraints, including seclusion and chemical restraints to allay excitement; also the character of said restraint, when and how long employed in each case, by whose authority, and also the reason for using same. Mechanical restraint should not be applied in any case without the express direction and under the supervision of one of the physicians in charge of said hospital, nor shall restraining apparatus be kept upon the wards when not in use. Said restraint record shall also show the number of attendants on duty in each month, and whether the same was sufficient or more than sufficient for the protection and well-being of all patients in the asylum. Each of said books shall be laid before the Board of Control at all the monthly meetings of the board, and shall be filed and kept among the records of the asylum. The superintendent shall also make monthly reports to the Board of Control, showing the number of deaths occurring among the patients, the cause thereof, and the names of the deceased; also a record showing all escapes, recoveries and removal of patients.

§ 23. It shall be the duty of the superintendent of each insane asylum to appoint a receiver, to be approved by the Board of Control, who shall give bond, with good surety, to be approved by and filed with the Board of Control, for the faithful discharge of his duties, and whose duty it shall be to receive all goods and supplies of any and all kinds purchased for the asylum; take charge of them; see that they correspond with the bills accompanying them, in character, quality and quantity; weigh or measure the same; and distribute them to each and every department of the asylum as the superintendent may direct by written order; and in a book for the

purpose open an account with each and every department, charging therein cost price for all goods so received and distributed. The book shall be open at any and all times for the inspection of the superintendent and commissioners, the Governor, a committee of the Legislature, or any person appointed by either for the examination.

§ 24. The superintendent shall appoint all other inferior officers and employes, not otherwise provided for, as he may deem necessary for the proper management of the institution, and he may remove any of them at pleasure and fill their vacancies with others.

§ 25. All pauper idiots, epileptics and harmless incurable lunatics shall be returned by the asylum in which they may be confined to the several counties from which they were sent, and delivered into the custody of their friends, if any; if not, then to the county judge, or, if they be a resident of and sent from the city of Louisville, then to the mayor of that city, who shall make suitable provision for their keeping ont of the annual appropriation allowed for such persons; and said asylum shall, as soon as may be, send each paying patient of the aforesaid class to the county of their residence, or whence they came. The President of the Board of Control and the superintendent and one other commissioner, to be from time to time appointed, as necessity may arise, shall act as a commission to pass upon such cases as the superintendent may propose to send back. They shall investigate each case carefully, and if they all concur in the opinion that an inmate can safely be sent back, they shall order such patient returned to the county from whence he was sent and shall deliver with him a certificate of the finding of the committee. If he is a pauper, he shall be delivered to the county judge or to the mayor of Louisville, as the case may be and if he is a pay patient, to his committee or friends. The court or persons to whom such inmate is delivered shall take such steps to provide for him as are required by law. The cost of returning pay patients shall be paid by their committee or friends or relatives, willing and able to pay; and the cost of returning pauper inmates and such pay inmates as the money can not be collected from the committee of,

shall be paid by the Auditor, upon the certificate of the superintendent, approved by the Board of Control.

§ 26. Whenever the number of patients sent to either asylum is greater than can be properly accommodated and cared for by that institution, and there is at the time capacity for their reception and care of the patient at either of the other asylums, it shall be the duty of the Board of Control and superintendent of such other asylum to receive as many of those rejected at the former, for want of room, as can be properly accommodated. When, upon application to the proper asylum, the patient is rejected for want of room, immediate application shall be made to another. The Board of Control is empowered and directed to take care that each of the asylums is kept full to its utmost capacity, of such patients as are receivable by it as long as any such patients in the State are unprovided for, and that each receives its due proportion of the patients in excess of the ordinary capacity of the asylum; the white and colored patients shall not be kept in the same building.

§ 27. No order shall be made by any court or officer for sending a pauper idiot to an asylum, nor shall such idiot be received therein unless the jury by their verdict, on the inquest, shall find that he is so dangerous and uncontrollable that he can not be safely and properly kept by the committee within the county.

§ 28. The superintendents of the several asylums shall have the right and authority to permit the family and friends of patients, whose condition of mind and health is such as, in the opinion of such superintendents, may be taken care of and treated properly outside of the asylum, to be taken from the asylum, either permanently or for such length of time as the superintendent may deem prudent.

§ 29. Under no circumstances shall it be permitted that, by the reception of pay patients from other States, the asylum be so crowded that any delay shall be incurred in the immediate reception of patients resident in this Commonwealth, either paying or pauper; and no person who has not been found to be insane by regular inquest shall be received into either asylum. Nor shall any patient

be discharged as cured unless by the authority of the superintendent. Any cured patient who was admitted to the asylum while in the custody of the law upon a criminal charge shall be delivered to the keeper of the penitentiary, or to the jailor of the county whence he came, as the case may require. A cured pauper, before being discharged, shall have a good suit of clothes, and be furnished with money enough to pay his traveling expenses back to home, not exceeding twenty dollars. The Board of Control shall charge for board of paying patients the sum of one hundred and fifty dollars per annum.

§ 30. No patients except those who are paupers, according to the definition of "pauper" in this statute, or who have been or may be sent to the asylum by order of the court, shall be received or retained in either of the lunatic asylums of this State, unless six months' board be always paid in advance, and the board for the residue of the time they may be in the asylum be secured by the obligation of one or more sufficient residents of this State; and the court of officers shall make their order for the committal of all patients (with the above exceptions) to the asylums, conditioned upon such prepayment being made and security given. But if the patient be discharged or die before the expiration of the six months paid for, a proper proportion of the amount paid shall be refunded. An insane person shall be held to be a pauper, if unable to pay six months' board in advance; or, if married, be unable to pay said board, besides providing for others naturally dependent; or if the parents of said person are unable to pay board, besides supporting others naturally dependent upon them, the court holding the inquest shall require the jury to return a finding on this subject,, and the verdict shall make it the duty of the superintendent to receive the patient, but such verdict shall not limit or qualify such patient's liability for his board should he have or acquire estate subject to debt,

§ 31. Each superintendent, assistant physician and steward shall be entitled to comfortably furnished quarters and meals for themselves and their families at their respective asylums. Said

officers shall not be entitled to receive directly or indirectly any other or further perquisites or compensation for their services; and any officer, employe or other person connected with any of said asylums, who shall use or authorize the use of any money or other thing of value for private purposes authorized by law, shall be amenable to the punishment now provided for such offenses, and in addition thereto, shall be reported by any person cognizant of the fact to the Board of Contrl, who shall cause to be removed from the employment of the State any person willfully guilty of said offense.

§ 32. The superintendent of each institution shall have the power to purchase necessary incidental and emergency supplies for his institution, subject to the approval of the Board of Control, to whom he shall render a monthly itemized statement, giving the facts and circumstances of each expenditure.

§ 33. It shall be the duty of the circuit or county judge in whose court any person shall be ordered to any of these institutions, to at once, by wire or letter, notify the superintendent of the institution to which said person is ordered that such order has been made, and advise him of the sex and condition of said person, and said superintendent shall immediately send a competent attendant to convey said person to said institution, and only the actual traveling expenses of conveying any person to any of the said institutions shall be paid. The superintendent shall itemize the expenses of conveying all such persons to his institntion, and shall send same to the Auditor of Public Accounts, who shall issue his warrant upon the State Treasurer for the amount in favor of said superintendent, who shall report same to the Board of Control. And in returning any inmate to the county whence he or she was sent, when necessary the cost of returning them shall be paid as above provided.

Mr. Klair offered the following amendment to said bill: Strike out "$2,500.00" and insert in lieu thereof "$1,500.00" in line 3, page 3.

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Klair and R. W. Miller, were as follows

Those who voted in the affirmative were—

| | | |
|---|---|---|
| E. Barry, | J. A. Hamon, | Henry G. Overstreet, |
| B. O. Becker, | C. W. G. Hannah, | C. M. Paynter, |
| N. B. Chipman, | D. C. Hopper, | John R. Ray, |
| Bennett Clarke, | W. J. Jackson, | W. W. Smith, |
| A. L. Denny, | W. H. Jones, | W. H. Southall, |
| Robert Enlow, | Wm. F. Klair, | John A. Stevens, |
| J. A. Frazier, | H. M. McCarty, | W. T. White, |
| A. J. Gorham, | R. W. Miller, | Wm. Wilt, |
| H. H. Griffin, | V. W. Morris, | J. Hal Woodford, |
| John C. Griffith, | Ed. Mulcahy, | James G. Yaden—30. |

Those who voted in the negative were—

| | | |
|---|---|---|
| J. M. Alverson, | B. P. Grigsby, Sr., | R. C. Simmons, |
| Louis W. Arnett, | Paul Gullion, | T. J. Slaton, |
| John Barr, | Albert Hamilton, | Emmet P. Slattery, |
| W. G. Baxter, | L. F. Johnson, | Hub L. Stevens, |
| Peter Best, Jr., | Geo. D. Litsey, | Zeb. A. Stewart, |
| Roger P. Blair, | M. H. McLean, | George W. Stone, |
| Joe F. Bosworth, | Henry C. Miller, | C. C. Terry, |
| H. Kirby Bourne, | Chris Mueller, | A. J. Thompson, |
| J. C. Byland, | J. M. Mitchell, | C. F. Thornton, |
| J. W. Clay, | James S. Morris, | Harry Weitkamp, |
| W. D. Claybrooke, | Ion B. Nall, | T. A. Weldon, |
| Sam. D. Cochran, | W. J. Osborne, | John B. Wicker, |
| H. K. Cole, | M. M. Redwine, | Geo. S. Wilson, |
| W. H. Cole, | J. M. Robertson, | J. T. Wilson, |
| Henry M. Cox, | Richard S. Rose, | Munnell Wilson, |
| Charles I. Dawson, | J. T. Royalty, | W. T. Wright, |
| Lawrence J. Diskin, | J. T. Scott, | J. A. Yates, |
| Thomas Drewry, | Ed. H. Shellman, | Will A. Young—55. |
| W. J. Gooch, | | |

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said

bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.

Those who voted in the affirmative were—

J. M. Alverson,
Louis W. Arnett,
John Barr,
E. Barry,
W. G. Baxter,
Peter Best, Jr.,
Roger P. Blair,
Joe F. Bosworth,
H. Kirby Bourne,
J. C. Byland,
N. B. Chipman,
J. W. Clay,
W. D. Claybrooke,
Sam. D. Cochran,
H. K. Cole,
W. H. Cole,
Henry M. Cox,
Charles I. Dawson,
Lawrence J. Diskin,
Thomas Drewry,
Robert Enlow,
J. A. Frazier,
Lloyd W. Gates,
W. J. Gooch,
A. J. Gorham,
B. P. Grigsby, Sr.,
Paul Gullion,
W. C. Halbert,
Albert Hamilton,
J. A. Hamon,
L. P. Head,
L. F. Johnson,
Geo. D. Litsey,
H. M. McCarty,
M. H. McLean,
Henry C. Miller,
Chris Mueller,
J. M. Mitchell,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
M. M. Redwine,
J. M. Robertson,
Richard S. Rose,
J. T. Royalty,
S. M. Russell,
J. T. Scott,
Ed. H. Shellman,
R. C. Simmons,
T. J. Slaton,
Emmet P. Slattery,
W. W. Smith,
Hub L. Stevens,
Zeb. A. Stewart,
George W. Stone,
C. C. Terry,
A. J. Thompson,
C. F. Thornton,
Harry Weitkamp,
T. A. Weldon,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson,
W. T. Wright,
J. A. Yates,
Will A. Young—68.

Those who voted in the negative were—

Bennett Clarke,
H. H. Griffin,
C. W. G. Hannah,
D. C. Hopper,
W. J. Jackson,
W. H. Jones,
Wm. F. Klair,
R. W. Miller,
V. W. Morris,
Henry G. Overstreet,
C. M. Paynter,
John R. Ray,
W. H. Southall,
John A. Stevens,
W. T. White,
J. Hal Woodford,
James G. Yaden—17.

Resolved, That the title of said bill be as aforesaid.

Mr. Head moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for cnsideration, from the orders of the day, a bill, entitled

H. B. 372. An act to amend an act amending section 965 of Kentucky Statutes, 1903, relating to the time of holding courts in the twelfth judicial district.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky.

§1. That the amendment approved March 25, 1904, amending section 965, of the Kentucky Statutes, in so far as it relates to the twelfth circuit court district be, and the same is hereby, amended by striking from said amendment all that part which relates to the time of holding court in the twelfth circuit court district, and insert in lieu thereof the following:

"Twelfth district—Anderson county, at Lawrenceburg, on the first Monday in January, the fourth Monday in April, the first Monday in September, twelve juridical days each. Henry county, at New Castle, on the third Monday in January, second Monday in May, twelve juridical days each, and on the third Monday in September, eighteen juridical days. Shelby county, Shelbyville, first Monday in February, eighteen juridical days; fourth Monday in May, twelve juridical days; second Monday in October, eighteen juridical days. Trimble county, at Bedford, on the fourth Monday in February, twelve juridical days; second Monday in June, six juridical days; second Monday in November, twelve juridical days. Spencer county, at Taylorsville, on the second Monday in March, twelve juridical days; third Monday in June, six juridical days, fourth Monday in November, twelve juridical days. Oldham county,

at Lagrange, on the fourth Monday in March, twelve juridical days; on the fourth Monday in June, six juridical days; on the second Monday in December, twelve juridical days."

Mr Bourne offered the following amendment by way of substitute for said bill, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky.

That the amendment opproved March 25, 1904, amending section 965 of Kentucky Statutes in so far as it relates to Twelfth circuit court district, approved March 25, 1904, be amended by way of substitute so that said section 965 when amended shall read as follows:

Twelfth district: Spencer county at Taylorsville, on the first Monday in January, twelve juridicial days each.

Henry county at New Castle, third Monday in January, twelve juridical days.

Shelby county at Shelbyville, first Monday in February, eighteen juridicial days.

Trimble county at Bedford, fourth Monday in February, twelve juridical days.

Anderson county at Lawrenceburg, second Monday in March, twelve juridical days.

Oldham county at LaGrange, fourth Monday in March, twelve juridical days.

Spencer county at Taylorsville, fourth Monday in April, six juridical days.

Henry county at New Castle, first Monday in May, twelve juridical days.

Shelby county at Shelbyville, third Monday in May, twelve juridical days.

Trimble county at Bedford, first Monday in June, six juridical days,

Anderson county at Lawrenceburg, second Monday in June, twelve juridical days.

Oldham county at La Grange, fourth Monday in June, six juridical days.

Spencer county at Taylorsville, first Monday in September, twelve juridical days.

Henry county at New Castle, third Monday in October, eighteen juridical days.

Shelby county at Shelbyville, second Monday in October, eighteen juridical days.

Trimble county at Bedford, second Monday in November, twelve juridical days.

Anderson county at Lawrenceburg, fourth Monday in November, twelve juridical days.

Oldham county at LaGrange, second Monday in December, twelve juridical days.

Said substitute amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | J. A. Frazier, | James S. Morris, |
| John Barr, | M. T. Freeman, | Ion B. Nall, |
| E. Barry, | Taylor P. Gabbard, | C. M. Paynter, |
| W. G. Baxter, | Lloyd W. Gates, | John R. Ray, |
| Charles C. Beard, | W. J. Gooch, | M. M. Redwine, |
| B. O. Becker, | A. J. Gorham, | J. M. Robertson, |
| Peter Best, Jr., | H. H. Griffin, | Richard S. Rose, |
| Roger P. Blair, | John C. Griffith, | S. M. Russell, |
| H. Kirby Bourne, | B. P. Grigsby, Sr., | R. C. Simmons, |
| J. C. Byland, | Paul Gullion, | Emmet P. Slattery, |

| | | |
|---|---|---|
| W. T. Cain, | D. C. Hopper, | W. W. Smith, |
| M. F. Campbell, | W. J. Jackson, | Hub L. Stevens, |
| N. B. Chipman, | L. F. Johnson, | John A. Stevens, |
| J. W. Clay, | Wm. F. Klair, | Zeb. A. Stewart, |
| Sam. D. Cochran, | Geo. D. Litsey, | George W. Stone. |
| W. H. Cole, | H. M. McCarty, | C. C. Terry, |
| Charles I. Dawson, | M. H. McLean, | A. J. Thompson, |
| A. L. Denny, | Henry C. Miller, | C. F. Thornton, |
| Lawrence J. Diskin, | R. W. Miller, | Harry Weitkamp, |
| Thomas Drewry, | Chris Mueller, | J. T. Wilson, |
| W. Reed Embry, | J. M. Mitchell, | W. T. Wright, |
| Robert Enlow, | V. W. Morris, | James G. Yaden--66. |

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

Mr. Bourne moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 269. An act to amend section 964 Kentucky Statutes and adding thereto subsection a, called section 964a.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky.

That section 964 of the Kentucky Statutes be amended by adding thereto the following:

§ 964. A. Provided, however, that whenever, in the opinion of the regular judge of any circuit court, there is such a congestion of the civil, penal, or criminal business in any such court, as that it can not be done by the court at its regular terms, as now provided by law, or at any special term that may be called and held as provided by section 964 above, then, in every such case, it shall be

lawful for the regular judge of such court, by order entered of record, at a regular term of such court, to call a special term of said court to be held while a court is, or may be, in session in some other county in the district. Every such order, calling such special term, shall specify the day when the special term or the court shall commence, and the time it shall continue, and shall give the style of each case to be tried, or in which any motion, order or judgment may be made or entered at such special term, and no other case shall be tried or motion made, or order or judgment entered therein in any case, even by agreement of parties. No grand juries shall be impaneled in any court held under this subsection. The petit jury for the trial of criminal, penal, or ordinary actions at such special term, shall be drawn at the term at which such special term is called, in the manner and form as provided by law for the drawing of jurors for the regular terms of such court. Whenever the regular judge of such court can not attend at any special term called under this sub-section, then a copy of the order calling such term shall be forwarded by the clerk of such court to the Governor of this Commonwealth, and it shall be the duty of the Governor to appoint and commission a special judge to hold that special term of court. The special judge so appointed shall have all the powers of the regular judge, except that he may not call a special term of court to be held in such district at any time when a regular term of court is being, or may be, held in any other county in such district. He shall have and receive the same compensation as provided for special judges in section 971, Kentucky Statutes. Nothing in this sub-section shall be held to prevent the empaneling of a grand jury at any special term called and held under section 964 above, at a time when no regular term of court is in session in any other county in this district, so that section 964, as thus amended, will read as follows:

§ 964. In each county of said district, except counties having continuous session, there shall be held each year the number of terms of the circuit court provided for by law, and the term in any district may be extended if the business requires, so that it does

not interfere with any other term in the district, and whenever it is necessary to transact the business, a special term may be held in any county, either by an order entered of record at the last preceding regular term in the county, or by notice signed by the judge and posted at the court house door of the county for ten days before the special term is held. The order or notice shall specify the day when the special term is to commence, and shall give the style of each case to be tried, or in which any motion, order or judgment may be made or entered at the special term, and no other case shall be tried, or motion, or order or judgment entered therein, unless by agreement of parties. Grand juries shall be summoned and criminal and penal causes shall be heard at but three terms in each year in any county, to be fixed by order of court, unless in an emergency the court may otherwise direct, and grand or petit jurors may be summoned for any special term by direction of the judge.

§ 964a. Provided, however, that, whenever in the opinion of the regular judge of any circuit court there is such a congestion of the civil, penal, or criminal business in any such court, as that it can not be done by the court at its regular terms, as now provided by law, or at any special term that may be called and held as provided by section 964 above. Then, and in every such case, it shall be lawful for the regular judge of such court, by order entered of record at a regular term of such court, to call a special term of said court to be held while a court is, or may be, in session in some other county in the district. Every such order calling such special term shall specify the day when the special term of the court shall commence, and the time it shall continue, and shall give the style of each case to be tried, or in which any motion, order or judgment may be made or entered at such special term, and no other case shall be tried or motion made, or order or judgment entered therein in any case, even by agreement of parties. No grand juries shall be impaneled in any court held under this sub-section. The petit jury for the trial of criminal, penal or ordinary actions at such special term shall be drawn at the term at which such special term

is called, in the manner and form as provided by law for the drawing of jurors for the regular terms of such court. Whenever the regular judge of such court can not attend at any special term called under this sub-section, then a copy of the order calling such term shall be forwarded by the clerk of such court to the Governor of this Commonwealth, and it shall be the duty of the Governor to appoint and commission a special judge to hold that special term of court. The special judge so appointed shall have all the powers of the regular judge, except that he may not call a special term of court to be held in such district at any time when a regular term of court is being, or may be, held in any other county in such district. He shall have and receive the same compensation as provided for special judges in section 971, Kentucky Statutes. Nothing in this sub-section shall be held to prevent the empaneling of a grand jury at any special term called and held under section 964 above, at a time when no regular term of court is in session in any other county in the district.

Mr. Redwine offered the following amendment to said bill:

That the regular judge shall have the right, when he is engaged in the holding of any regular or special term of court in any county, to cause an appointment of a special judge under this act to hold any regular or special term of circuit court then about to be holden in any other county in such judicial district.

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | A. J. Gorham, | C. M. Paynter, |
| John Barr, | H. H. Griffin, | M. M. Redwine, |
| W. G. Baxter, | Paul Gullion, | J. M. Robertson, |
| B. O. Becker, | W. C. Halbert, | Richard S. Rose, |
| Peter Best, Jr., | Albert Hamilton, | J. T. Royalty, |
| Joe F. Bosworth, | J. A. Hamon, | J. T. Scott, |
| H. Kirby Bourne, | C. W. G. Hannah, | T. J. Slaton, |
| W. T. Cain, | D. C. Hopper, | Hub L. Stevens, |
| M. F. Campbell, | L. F. Johnson, | John A. Stevens, |
| Bennett Clarke, | W. H. Jones, | George W. Stone, |
| W. D. Claybrooke, | Geo. D. Litsey, | C. F. Thornton, |
| Sam. D. Cochran, | H. M. McCarty, | Harry Weitkamp, |
| W. H. Cole, | Virgil McKnight, | T. A. Weldon, |
| Henry M. Cox, | Henry C. Miller, | John B. Wicker, |
| Charles I. Dawson, | R. W. Miller, | Geo. S. Wilson, |
| Robert Enlow, | J. M. Mitchell, | Munnell Wilson, |
| J. A. Frazier, | V. W. Morris, | Wm. Wilt, |
| M. T. Freeman, | James S. Morris, | W. T. Wright, |
| Taylor P. Gabbard, | Ed. Mulcahy, | J. A. Yates, |
| Lloyd W. Gates, | Ion B. Nall, | Will A. Young—62. |
| W. J. Gooch, | W. J. Osborne, | |

Those who voted in the negative were—

| | | |
|---|---|---|
| W. J. Jackson, | A. J. Thompson, | J. Hal Woolford—3. |

Resolved, That the title of said bill be as aforesaid.

Mr. Redwine moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

And then the House adjourned until 3:00 o'clock, p. m.

## AFTERNOON SESSION.

At 3:00 o'clock p. m.

The House met pursuant to adjournment.

A message was received from the Senate, announcing that they had passed bills of the folowing titles, viz.:

S. B. 297. An act to regulate the racing of running horses in the Commonwealth of Kentucky and to establish a State racing commission and prescribing its powers and duties.

Said bill was ordered to be printed and referred to the committee on circuit courts.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 390. An act concerning domestic life insurance companies.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky.

§ 1. As soon as practicable after the filing of the annual statement of any domestic life insurance company in the office of the Insurance Commissioner, and prior to March 1st of each year, such company shall proceed to ascertain and report in writing to the Insurance Commissioner the net cash value of each policy in force on the 31st day of December immediately preceding, upon the basis of the American Experience Table of Mortality and four per cent. interest, or Actuaries' Combined Experience Table of Mortality and four per cent. interest, as adopted by the company; and should any company issue any policies based upon a higher standard than the above, such policies shall be valued according to such higher standard. And within ninety days after making such report of valuation there shall be deposited with the State Treasurer, for the security and benefit of all its policy holders, an amount which, together with the sum already deposited with said officer, and such sums as may be deposited by said company with other States and Governments,

by the requirements of the laws thereof, shall be not less than the amount of such ascertained valuation of all policies in force.

§ 2. But no company shall be required to make the deposit herein required until the net cash values of the policies in force exceeds the amount deposited by said company under section 648 of the Kentucky Statutes, and then only to the extent of such excess.

§ 3. The deposit herein required may be in the securities described in section 625 of the Kentucky Statutes, or in satisfactory evidences of the ownership of such unencumbered, improved real estate as may be lawfully acquired by such company under section 632 of the Kentucky Statutes, which real estate shall not be sold or encumbered unless securities or evidences of ownership of other real estate of equal value as herein described be adopted with the Treasurer in lieu thereof.

§ 4. Companies shall have the right at any time to change their securities on deposit by substituting for those withdrawn. a like amount in other securities of the character provided for herein; and whenever the net cash value of policies outstanding and in force against any company is less than the amount of security then on deposit with the Treasurer, such company shall have the right to withdraw such excess; but at least $100,000 in securities, at their par and market value, shall remain on deposit.

§ 5. The Insurance Commissioner shall permit companies having on deposit with him stocks or bonds deposited under this act as security, to collect the interest accruing on such deposits, delivering to their authorized agents, respectively, the coupons or other evidences of interest as the same become due; but upon default of any company to deposit additional security as called for by the the Insurance Commissioner, or pending any proceedings to close up or enjoin it, the Insurance Commissioner shall collect the interest as it becomes due and add the same to the securities in his hands belonging to such company.

§ 6. Upon the compliance each year with the provisions of this act by any company, the Insurance Commissioner shall take such steps as he may deem necessary to verify the valuations so report-

ed, and shall issue to it a certificate setting forth the corporate name of the company, its principal office, that it has fully complied with the provisions hereof, stating the amount deposited, and the net cash value of outstanding policies, and the table upon which same was computed, and that it is authorized to transact the business of life insurance; Provided that any such certificate shall expire on the 30th day of June in the year following its issue.

§ 7. Upon the failure of any company referred to herein to make the deposit or file the report hereby required in the time stated herein, the Insurance Commissioner shall notify such company to issue no new policies in this State until there shall have been compliance with said requirements.

§ 8. Any domestic life insurance company doing business without a certificate, as provided for in either section 648 of Kentucky Statutes, or in this act, shall forfeit $100 for every day it continues to write new business in this State without such certificate.

§ 9. Suits brought to recover any of the penalties provided for herein shall be instituted in the name of the Commonwealth of Kentucky by the Attorney General in the Franklin Circuit Court, whenever so directed by the Insurance Commissioner. Said penalties when recovered, shall be paid into the State Treasury for the use of the general funds.

§ 10. All laws and parts of laws in conflict herewith are here by repealed.

The substitute proposed to said bill by the committee on insurance, is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Within ninety days after the net cash value of each policy in force shall be ascertained as now required by law, there shall be deposited with the State Treasurer by every domestic life insurance company, for the security and benefit of all its policyholders, an amount which together with such sums as may be deposited by said

company with other States and Governments, by the requirements of the laws thereof, shall be not less than the amount of such as ascertained valuation of all policies in force.

§ 2. But no company shall be required to make the deposit herein required until the net cash value of the policies in force exceeds the amount deposited by said company, under section 648 of the Kentucky Statutes and then only to the extent of such excess.

§ 3. The deposit herein required may be in the securities described in section 625 of the Kentucky Statutes, or in satisfactory evidence of the ownership of such unencumbered real estate, as may be lawfully acquired by such company, under section 632 of Kentucky Statutes which real estate shall not be sold or encumbered unless securities or evidence or ownership or other real estate of equal value as herein described be deposited with the treasurer in lieu thereof. The policy holders shall have a first lien on all said real estate, and when such real estate is withdrawn, sold or encumbered, and other securities of equal value deposited in lieu thereof, the Insurance Commissioner shall execute a release of the property withdrawn, sold or encumbered, which said release shall be recorded in the office of the county clerk of the county in which the property is located. When real estate is deposited under this section in lieu of other securities, said property shall be taken at sixty per cent. of its market value as determined by the Insurance Commissioner. The lien herein provided for shall apply to all real estate, the evidence to the title to which is deposited as herein provided for.

§ 4. Companies shall have the right at any time to change their securities on deposit by substituting for those withdrawn a like amount in other securities of the character provided for herein; and whenever the net cash value of the policies outstanding and in force against any company is less than the amount of security then on deposit with the treasurer, such company shall have the right to withdraw such excess; but at least one hundred thou-

sand dollars in securities, at their par and market value, shall remain on deposit.

§ 5. The Insurance Commissioner shall permit companies having on deposit with him stocks or bonds deposited under this act as security to collect the interest accruing on said deposit delivering to their authorized agents, respectively, the coupons or other evidences of the interest as the same become due; but upon default by the company to deposit additional security as called for by the Insurance Commissioner, or pending any proceedings to close up or enjoin it, the Insurance Commissioner shall collect the interest as it becomes due, and add the same to the securities in his hands belonging to such company.

§ 6. Upon the compliance each year with the provisions of this act by any company the Insurance Commissioner shall issue to it a certificate setting forth the corporate name of the company, its principal office, that it has fully complied with the provisions hereof, stating the amount deposited, and the net cash value of the outstanding policies, and the table upon which the same was computed, and that it is authorized to transact the business of life insurance; provided, that any such certificate shall expire on the 30th day of June, in the following year of its issue.

§ 7. Upon the failure of any company referred to herein to make the deposit on file the report hereby required in the time stated herein, the Insurance Commissioner shall notify such company to issue no new policies until there shall have been compliance with said requirements.

§ 8. Any domestic life insurance company doing business without a certificate as provided for in either section 648 of the Kentucky Statutes, or in this act, shall be fined one hundred dollars for every day it continues to write new business in this State without such certificate.

§ 9. Suits brought to recover any of the penalties provided for herein shall be instituted in the name of the Commonwealth of Kentucky by the Attorney General in the Franklin Circuit Court,

whenever so directed by the Insurance Commissioner said penalties when recovered shall be paid into the State Treasury for the use of the general fund.

§ 10. All laws and parts of laws in conflict herewith are hereby repealed.

Said substitute was agreed to.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, and the same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | Taylor P. Gabbard, | C. M. Paynter, |
| Louis W. Arnett, | W. J. Gooch, | John R. Ray, |
| John Barr, | A. J. Gorham, | M. M. Redwine, |
| E. Barry, | H. H. Griffin, | J. M. Robertson, |
| W. G. Baxter, | John C. Griffith, | Richard S. Rose, |
| B. O. Becker, | B. P. Grigsby, Sr., | J. T. Royalty, |
| Peter Best, Jr., | Albert Hamilton, | S. M. Russell, |
| H. Kirby Bourne, | J. A. Hamon, | J. T. Scott, |
| J. C. Byland, | C. W. G. Hannah, | R. C. Simmons, |
| W. T. Cain, | L. P. Head, | T. J. Slaton, |
| M. F. Campbell, | W. J. Jackson, | W. H. Southall, |
| N. B. Chipman, | L. F. Johnson, | Hub L. Stevens, |
| Bennett Clarke, | W. H. Jones, | Zeb. A. Stewart, |
| J. W. Clay, | Wm. F. Klair, | George W. Stone, |
| W. D. Claybrooke, | Geo. D. Litsey, | C. C. Terry, |
| Sam. D. Cochran, | H. M. McCarty, | A. J. Thompson, |
| H. K. Cole, | Virgil McKnight, | C. F. Thornton, |
| W. H. Cole, | M. H. McLean, | T. A. Weldon, |
| Henry M. Cox, | R. W. Miller, | W. T. White, |
| Charles I. Dawson, | J. M. Mitchell, | John B. Wicker, |
| Lawrence J. Diskin, | James S. Morris, | Geo. S. Wilson, |

| | | |
|---|---|---|
| W. Reed Embry, | Ed. Mulcahy, | J. T. Wilson, |
| Robert Enlow, | Ion B. Nall, | J. Hal Woodford, |
| J. A. Frazier, | W. J. Osborne, | W. T. Wright, |
| M. T. Freeman, | Henry G. Overstreet, | Will A. Young—75. |

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

Mr. Bourne moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day, a bill, entitled

H. B. 453. An act to amend section 418a of chapter 23a, Kentucky Statutes, edition 1903, relating to Congressional districts.

Together with an amendment proposed thereto by the committee.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 418a of chapter 23a of Kentucky Statutes, edition of 1903, be and the same is hereby amended by striking the county of Rowan from the Ninth (9th) Congressional District and adding it to the Tenth (10th) Congressional District, and by striking the county of Pendleton from the Sixth (6th) Congressional District, and adding it to the Ninth (9th) Congressional District, and by striking the county of Lee from the Tenth (10th) Congressional District and adding it to the Eleventh (11th) Congressional District, so that said section when amended and re-enacted shall read as follows:

That the State of Kentucky be, and the same is hereby laid off into eleven Congressional districts, composed, as follows, to-wit:

The first district shall be composed of the counties of Ballard, Caldwell, Calloway, Carlisle, Crittenden, Fulton, Graves, Hickman, Livingston, Lyon, Marshall, McCracken and Trigg.

The second district shall be composed of the counties of Christian, Daviess, Hancock, Henderson, Hopkins, McLean, Union and Webster.

The third district shall be composed of the counties of Allen, Butler, Barren, Edmonson, Logan, Metcalfe, Muhlenberg, Simpson, Todd and Warren.

The fourth district shall be composed of the counties of Breckinridge, Bullitt, Grayson, Green, Hardin, Hart, Larue, Marion, Meade, Nelson, Ohio, Taylor and Washington.

The fifth district shall be composed of the county of Jefferson.

The sixth district shall be composed of the counties of Boone, Campbell, Carroll, Gallatin, Grant, Kenton and Trimble.

The seventh district shall be composed of the counties of Bourbon, Fayette, Franklin, Henry, Oldham, Owen, Scott and Woodford.

The eighth district shall be composed of the counties of Anderson, Boyle, Garrard, Jessamine, Lincoln, Madison, Mercer, Rockcastle, Shelby and Spencer.

The ninth district shall be composed of the counties of Bracken, Bath, Boyd, Carter, Fleming, Greenup, Harrison, Lewis, Lawrence, Mason, Nicholas, Pendleton and Robertson.

The tenth district shall be composed of the counties of Breathitt, Clark, Elliott, Estill, Floyd, Johnson, Knott, Martin, Magoffin, Montgomery, Morgan, Menefee, Pike, Powell, Rowan and Wolfe.

The eleventh district shall be composed of the counties of Adair, Bell, Casey, Clay, Clinton, Cumberland, Harlan, Jackson, Knox, Letcher, Leslie, Laurel, Monroe, Owsley, Perry, Pulaski, Russell, Wayne, Whitley and Lee.

This act shall take effect and be in force from and after its passage.

The amendment as proposed by the committee to said bill is as follows, viz.:

Amend by striking out Pendleton county from the ninth district and adding it to the sixth district.

Amend by striking out Lee county from the eleventh district, and adding it to the tenth district.

Amend by striking Estill county from the tenth and adding it to the eleventh district.

Said amendment was agreed to.

Mr. Young, offered the following amendment to said bill, viz.

Amend by striking out "Rowan" from the tenth district and placing it in the ninth district.

Said amendment was agreed to.

Mr. Young offered the following amendment to said bill, viz.:

Amend by striking out "Grant" from the sixth and placing it in the ninth, and by striking out "Lee" from the eleventh and adding it to the tenth.

Said amendment was disagreed to.

Mr. McKnight moved that said bill and amendments lie on the table.

Said motion was agreed to.

A message was received from the Senate, announcing that they had adopted a resolution as follows:

Be it resolved by the Senate of Kentucky, That whereas House Bill No. 333, after having had its first reading in the Senate had been lost, that a committee be appointed to immediately notify the House of Representatives of that fact, and request that the House of Representatives supply the lost record.

Mr. Arnett moved that said request be granted.

Said motion was agreed to.

The House took up for consideration from the orders of the day, a bill, entitled

H. B. 301. An act to authorize the fiscal court in counties where public roads are maintained in whole or in part by taxation to levy a vehicle tax, and fixing the rates.

Together with a substitute therefor, proposed by the committee on revenue and taxation.

Mr. Thompson moved that said bill and said substitute lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day, a bill, entitled

H. B. 435. An act relating to the assessment and taxation of the shares of stock in trust companies, State and National banks in this Commonwealth.

Mr. Drewry moved that said bill lie on the table.

Said motion was agreed to.

The following original and enrolled bills which on a former day were examined in the House and signed by the Speaker thereof were this day delivered to the chief clerk by the enrolling clerk, viz.:

H. B. 14. An act for the benefit of the Kentucky School for the Deaf.

H. B. 44. An act to amend section 31 of article 4 of an act, entitled "An act for the government of cities of the second class in the Commonwealth of Kentucky," approved March 19, 1894, said section being section 3105 of the Kentucky Statutes, 1903.

H. B. 71. An act creating the office of assistant county attorney in counties having a population of 150,000 or over, and prescribing the qualifications, powers, duties and compensation thereof.

H. B. 50. An act to repeal the charter of Elizaville, Fleming county, Kentucky.

H. B. 302. An act to repeal section 6 of the charter of the Corinth Academy.

H. B. 41. An act to amend section 1 of an act empowering the county courts of this Commonwealth to authorize the drainage of lands, where the same shall be conducive to the public health or convenience of its inhabitants, approved March 23, 1900, same being article 8, chapter 76, Kentucky Statutes.

H. B. 77. An act amending section 1055 of the Kentucky Statutes, of the edition compiled by Hon. John D. Carroll, and issued in 1903.

H. B. 154. An act to repeal an act relating to cities of the fourth class.

H. B. 153. An act to repeal an act relating to cities of the fourth class.

H. B. 100. An act to amend section 9, chapter 63 of the acts of 1902, which became a law March 21, 1902.

H. B. 39. An act to amend section 2 of an act empowering the county courts of this Commonwealth to authorize the drainage of lands where the same shall be conducive to the public health or convenience of its inhabitants, approved March 23, 1900, same being article 8, chapter 76, Kentucky Statutes.

H. B. 9. An act to amend an act, regulating the terms of courts in the Tenth Judicial District.

H. B. 48. An act to amend an act, entitled "An act for the government of cities of the second class in the Commonwealth of Kentucky."

H. B. 458. An act in relation to the control, management and operation of water works in cities of the first class.

Ordered that the chief clerk deliver the enrolled copies thereof to the Governor.

After a time the chief clerk reported that he had performed said duty.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 200. An act to amend section 1, chapter 34 of the acts of 1904, regulating the practice of medicine, surgery and osteopathy in this Commonwealth.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1, of chapter 34, of the acts of 1904, be, and the same is hereby, amended by inserting between subsection 2 and subsection 3 the following:

"A diploma from a reputable and legally chartered osteopathic college of any State in this Union; the reputableness of which shall be determined and certified to by the society or association of such school or system of practice in this State," and that this addition be subsection 3 and the subsection following it be 4. So that said section, when so amended, shall read as follows:

"§ 1. Authority to practice medicine under this act shall be a certificate from the State Board of Health, registered in the county in which the holder resides; and said board shall issue a certificate to any reputable physician who desires to practice medicine in this State, who has passed a satisfactory examination before it, in the branches of medicine as taught in reputable medical colleges; and said board shall, upon application, admit to examination any person of good moral character, who may possess any of the following qualifications:

"1. A diploma from a reputable medical college legally chartered under the laws of this State.

"2. A diploma from a reputable and legally chartered medical college of some other State in this Union.

"3. A diploma from a reputable and legally chartered osteopathic college of any State in this Union, the reputableness of which shall be determined and certified to by the society or association of such school or system of practice in this State.

"4. Satisfactory evidence from the person claiming the same that such person was reputably and honorably engaged in the practice of medicine in this State prior to February 23, 1884.

"Applicants may present their credentials by mail, or proxy, and shall receive due notice of the place and date of examination. Certificates shall be signed by the president and secretary, and attested by the seal of the board, and the fee for each examination, including the certificate, shall not exceed the sum of ten dollars. The members of the board shall be entitled to receive ten dollars per day and their necessary traveling expenses for each day devoted to such examinations, to be paid from the fees provided herein, and the board shall have authority to provide for such assistants as it may deem necessary, and pay for the same from the fund arising from such fees."

Mr. Gooch offered the following amendment to said bill, viz.:

Amend by striking out in line 5, and also in line 23, the following words: "the reputableness of which shall be determined and certified to by the society or association of such school or system of practice in this State."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, and the same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

J. M. Alverson,
Louis W. Arnett,
John Barr,
E. Barry,
B. O. Becker,
Peter Best, Jr.,
Roger P. Blair,
Joe F. Bosworth,
H. Kirby Bourne,
J. C. Byland,
W. T. Cain,
M. F. Campbell,
Bennett Clarke,
Sam. D. Cochran,
H. K. Cole,
W. H. Cole,
Henry M. Cox,
Charles I. Dawson,
A. L. Denny,
Thomas Drewry,
W. Reed Embry,
Robert Enlow,
J. A. Frazier,
M. T. Freeman,
Taylor P. Gabbard,
Lloyd W. Gates,
W. J. Gooch,
A. J. Gorham,
H. H. Griffin,
John C. Griffith,
B. P. Grigsby, Sr.,
Paul Gullion,
Albert Hamilton,
J. A. Hamon,
L. P. Head,
D. C. Hopper,
W. J. Jackson,
L. F. Johnson,
Wm. F. Klair,
Geo. D. Litsey,
H. M. McCarty,
Virgil McKnight,
M. H. McLean,
R. W. Miller,
J. M. Mitchell,
James S. Morris,
Ed. Mulcahy,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
M. M. Redwine,
J. M. Robertson,
Richard S. Rose,
J. T. Royalty,
S. M. Russell,
T. J. Slaton,
Emmet P. Slattery,
W. H. Southall,
Hub L. Stevens,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
A. J. Thompson,
C. F. Thornton,
Harry Weitkamp,
T. A. Weldon,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson,
Wm. Wilt,
W. T. Wright—73.

Those who voted in the negative were—

C. W. G. Hannah,
J. T. Scott—2.

Resolved, That the title of said bill be as aforesaid.

Mr. Redwine moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day, a bill, entitled

H. B. 425. An act to further regulate the revenue laws of counties, cities and towns so as to carry into effect sections 157 and 180, of the present Constitution and prescribing penalties for violating same.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the fiscal court of each county shall annually, by order or resolution, levy an ad valorem tax for county purposes upon all real and personal property subject to taxation for State purposes, not exceeding the rate and limit prescribed by the Constitution, and may levy a poll tax not exceeding one dollar and fifty cents on each male inhabitant thereof; and the general or common council of cities, and the board of trustees of towns shall annually, by ordinance, levy an ad valorem tax for city or town purposes upon all real and personal property subject to taxation for State purposes, not exceeding the rate and limit prescribed by the Constitution, and may levy a poll tax not exceeding one dollar and fifty cents on each male inhabitant thereof; and may impose license fees on stock used for breeding purposes, on franchises, trades, occupations, and provide for the collection thereof.

§ 2. All taxes for counties shall be levied by order or resolution of the fiscal court; and all taxes and license fees for cities and towns shall be levied by ordinance, and the purpose or several purposes for which the same are levied or imposed shall be specified in order, resolution or ordinance, and the revenue therefrom shall be expended for no other purpose than that for which it is collected. Orders, resolutions and ordinances levying taxes or imposing license fees shall specify the purpose or several purposes for which the same are levied or imposed, and failure to do so shall render the order, resolution or ordinance invalid; and if any money or taxes shall be expended for another purpose than that for which levied and collected, the officer or officers, agents or employes who could, by a refusal to act, have prevented the expenditure, and the

members of the fiscal court of the county and the members of the common or general council of the city, and the members of the board of trustees of the town, who voted for the expenditure, shall be jointly and severally liable to the county, city or town for the amount of its money or taxes so expended; and it may be recovered of them in an action upon the bonds of those under bond, or personally against any of them; and in case such expenditures are from the county's funds, it shall be the duty of the county attorney to institute and prosecute to recovery such actions; and in case such expenditures are from the city's funds, it shall be the duty of the city attorney to institute and prosecute to recovery such actions, and if either of such officers fail to do so for six months after the money shall have been expended, any taxpayer may institute such action, and be entitled to recover for the use and benefit of the county, city or town, as the case may be. A recovery hereunder shall not militate against the criminal prosecution hereinafter provided. Any indebtedness contracted in violation of this section or of section 4 of this act shall be void, nor shall such contract be enforceable by the person with whom made; nor shall such county, city or town ever be authorized to assume the same, and money paid under any such contract may be recovered back by the county, city or town.

§ 3. All money, bonds and securities belonging to any separate fund, or sinking fund of any county, city or town, shall be kept in a separate account, and where said fund is that of any county a semi-annual statement thereof, upon dates fixed by the fiscal court, shall be made to said court by the treasurer, commissioners, or custodian of said fund; and where said fund is that of any city or town a semi-annual statement thereof shall be made to the common or general council of said city, or the board of trustees of said town at its first regular meeting in the months of January and July of each year, by the treasurer, commissioners, or custodian of said fund.

§ 4. Neither the fiscal court of any county, nor the common or

general council of any city nor the board of trustees of any town shall expend any money in excess of the amount annually levied and collected for that year by such county, city or town, or levied, collected or appropriated for any special purpose; and the fiscal court of any county, and the common or general council of any city, and the board of trustees of any town shall not expend, nor suffer, permit or authorize to be expended, any money or tax levied and collected for any one purpose to any other purpose than that specified in the order, resolution or ordinance under which the same is levied, imposed and collected. Any member of the fiscal court of any county, or of the common or general council of any city, or of the board of trustees of any town, who shall knowingly, vote for any appropriation of money, or for the making of any contract in violation of this act, or any officer of the county, city or town who shall knowingly do any act to impose upon the county, city or town any pecuniary liability in excess of the authority in this act limited, shall be guilty of a misdemeanor, and upon conviction be punished by fine of not less than one hundred nor more than five hundred dollars, or imprisoned in the county jail not less than one month nor more than twelve months, or both so fined and imprisoned.

§ 5. Where the special object or purpose for which a tax was levied and collected has been accomplished, completed and finished, the amount remaining in said special fund, if any, shall pass to and become a part of the general revenue fund of the county, city or town.

§ 6. Whereas, provisions carrying into effect sections 157 and 180 of the present Constitution have been heretofore enacted in charters of cities of the first and second classes, this act shall not apply to said cities.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

J. M. Alverson,
Louis W. Arnett,
John Barr,
E. Barry,
Charles C. Beard,
B. O. Becker,
Peter Best, Jr.,
Joe F. Bosworth,
H. Kirby Bourne,
W. T. Cain,
M. F. Campbell,
W. D. Claybrooke,
H. K. Cole,
W. H. Cole,
Henry M. Cox,
Ed. Croan,
Charles I. Dawson,
Thomas Drewry,
W. Reed Embry,
J. A. Frazier,
Taylor P. Gabbard,
Lloyd W. Gates,
W. J. Gooch,
A. J. Gorham,
H. H. Griffin,
John C. Griffith,
B. P. Grigsby, Sr.,
Paul Gullion,
Albert Hamilton,
C. W. G. Hannah,
L. P. Head,
D. C. Hopper,
W. J. Jackson,
L. F. Johnson,
W. H. Jones,
Wm. F. Klair,
Geo. D. Litsey,
H. M. McCarty,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
Chris. Mueller,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
John R. Ray,
M. M. Redwine,
J. M. Robertson,
Richard S. Rose,
J. T. Royalty,
S. M. Russell,
R. C. Simmons,
T. J. Slaton,
Emmet P. Slattery,
W. H. Southall,
Hub L. Stevens,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
A. J. Thompson,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson,
Wm. Wilt,
W. T. Wright,
James G. Yaden—67.

In the negative—N. B. Chipman.

Resolved, That the title of said bill be as aforesaid.

Mr. Gooch moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 434. An act to prohibit any person from engaging in or conducting the business of private banking in this Commonwealth, and to repeal all laws regulating said business.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person or persons, either as individuals or co-partners, to engage in or conduct the business of private banking in this Commonwealth.

§ 2. Any person or persons who shall engage in such business, after this law shall become effective, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty nor more than fifty dollars for each day that he or they shall be engaged in said business, to be recovered, under indictment, in the circuit court of the county where the offense shall be committed.

§ 3. Sections 599, 600, 601 and 602, Kentucky Statutes, relating to private banking are hereby repealed, and persons hereafter conducting or engaging in the banking business in this Commonwealth, are required to become incorporated as now provided by law.

§ 4. Under the opinion of the Court of Appeals it being necessary that all banking business shall be conducted by incorporated banks, in order to render taxation of banks equal in this Commonwealth, an emergency is declared to exist, and this law shall be in force from its approval by the Governor.

The committee on revenue and taxation originate the bill here to attached and recommend its passage.

Mr. Gooch offered the following amendment to said bill, viz.:

Amend by adding after the word business "in line five the words after April 15, 1906."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | Taylor P. Gabbard, | John R. Ray, |
| Louis W. Arnett, | Lloyd W. Gates, | M. M. Redwine, |
| John Barr, | W. J. Gooch, | J. M. Robertson, |
| E. Barry, | A. J. Gorham, | Richard S. Rose, |
| W. G. Baxter, | H. H. Griffin, | J. T. Royalty, |
| Charles C. Beard, | John C. Griffith, | S. M. Russell, |
| B. O. Becker, | J. A. Hamon, | Ed. H. Shellman, |
| Peter Best, Jr., | C. W. G. Hannah, | R. C. Simmons, |
| Roger P. Blair, | L. P. Head, | T. J. Slaton, |
| Joe F. Bosworth, | W. J. Jackson, | Emmet P. Slattery, |
| J. C. Byland, | L. F. Johnson, | W. H. Southall, |
| M. F. Campbell, | Wm. F. Klair, | Hub L. Stevens, |
| Bennett Clarke, | Geo. D. Litsey, | John A. Stevens, |
| W. D. Claybrooke, | H. M. McCarty, | Zeb. A. Stewart, |
| H. K. Cole, | M. H. McLean, | George W. Stone, |
| W. H. Cole, | Henry C. Miller, | C. C. Terry, |
| Henry M. Cox, | Chris Mueller, | A. J. Thompson, |
| Ed. Croan, | J. M. Mitchell, | Geo. S. Wilson, |
| Charles I. Dawson, | James S. Morris, | J. T. Wilson, |
| A. L. Denny, | Ed. Mulcahy, | Munnell Wilson, |
| Thomas Drewry, | Ion B. Nall, | Wm. Wilt, |
| W. Reed Embry, | W. J. Osborne, | W. T. Wright, |
| Robert Enlow, | Henry G. Overstreet, | James C. Yaden, |
| J. A. Frazier, | C. M. Paynter, | J. A. Yates—72. |

Those who voted in the negative were—

Albert Hamilton, D. C. Hopper—2.

Resolved, That the title of said bill be as aforesaid.

Mr. Redwine moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 169. An act to prevent the obstruction of navigable streams.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to obstruct any stream or erect any dams below ten miles from the head of said streams in this Commonwealth, which is navigable for the running of push boats, floating of sawlogs, staves or ties, by erecting any dams or other obstruction, or refusing to remove same, which have heretofore been erected not in accordance with the statutes of this Commonwealth; and any person so offending shall upon conviction be fined not less than fifty dollars and not more than five hundred dollars for each offense.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | W. J. Gooch, | Henry G. Overstreet, |
| Louis W. Arnett, | A. J. Gorham, | C. M. Paynter, |
| John Barr, | H. H. Griffin, | John R. Ray, |
| B. O. Becker, | John C. Griffith, | M. M. Redwine, |

| | | |
|---|---|---|
| Peter Best, Jr., | B. P. Grigsby, Sr., | J. M. Robertson, |
| Joe F. Bosworth, | Albert Hamilton, | Richard S. Rose, |
| H. Kirby Bourne, | J. A. Hamon, | J. T. Royalty, |
| W. T. Cain, | C. W. G. Hannah, | S. M. Russell, |
| M. F. Campbell, | D. C. Hopper, | J. T. Scott, |
| Bennett Clarke, | W. J. Jackson, | Ed. H. Shellman, |
| W. D. Claybrooke, | L. F. Johnson, | T. J. Slaton, |
| Sam. D. Cochran, | W. H. Jones, | W. H. Southall, |
| W. H. Cole, | Wm. F. Klair, | John A. Stevens, |
| Henry M. Cox, | Geo. D. Litsey, | Zeb. A. Stewart, |
| Ed. Croan, | Virgil McKnight, | George W. Stone, |
| Charles I. Dawson, | M. H. McLean, | C. C. Terry, |
| A. L. Denny, | R. W. Miller, | A. J. Thompson, |
| Lawrence J. Diskin, | Chris Mueller, | Harry Weitkamp, |
| Thomas Drewry, | J. M. Mitchell, | John B. Wicker, |
| W. Reed Embry, | V. W. Morris, | J. T. Wilson, |
| Robert Enlow, | James S. Morris, | Munnell Wilson, |
| J. A. Frazier, | Ed. Mulcahy, | W. T. Wright, |
| M. T. Freeman, | Ion B. Nall, | James C. Yaden, |
| Taylor P. Gabbard, | W. J. Osborne, | J. A. Yates—72. |
| Lloyd W. Gates, | | |

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

Mr. Wicker moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 92. An act to amend an act, entitled "An act to make it unlawful to employ a child less than fourteen years of age in workshops, mines, mills or factories."

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No male under sixteen years of age, and no female under eighteen years of age, employed in any manufacturing establishment, mine, mill or workshop in this Commonwealth shall be required, permitted or suffered to work therein more than forty-eight hours in any one week; nor more than eight hours in any one day, unless for the purpose of making a shorter work day on any one day of the week, and in no case shall any male under sixteen years of age, nor any female under eighteen years of age, work in any manufacturing establishment, mine, mill or workshop after seven o'clock in the evening or before six o'clock in the morning of any day; and every person, firm, corporation or company employing any male under sixteen years of age, or female under eighteen years of age in any manufacturing establishment, mine, mill or workshop shall post, and keep posted in a conspicuous place in every room where help is employed, a printed notice, stating the number of hours of labor per day required of such persons for each day of the week, and the number of hours of labor exacted or permitted to be performed by such persons shall not exceed the number of hours of labor so posted as being required. The time of beginning and ending the day's labor shall be the time stated in such notice; Provided, That such male under sixteen years of age, or female under eighteen years of age, may begin after the time set for beginning and stop before the time set in such notice for the stopping of the day's labor; but they shall not be permitted or required to perform any labor before the time stated on the notice as the hour for the ending the day's labor.

§ 2. No child under fourteen (14) years of age shall be employed at any time in any factory, workshop, mill or mine. No such child shall be employed in any mercantile establishment, nor in any service of any telegraph, telephone or public messenger company, laundry or printing establishment, except during the vacation of the public schools. No child under sixteen (16) years of age shall be employed at any occupation dangerous or injurious to life, limb, health or morals. It shall be the duty of every person employing

children to keep a register, in which shall be recorded the name, birthplace, age and place of residence of every person employed by him under the age of sixteen years; and it shall be unlawful for any proprietor, agent, foreman or other person in or connected with a manufacturing establishment, mine, mill or workshop to hire or employ any child under the age of sixteen years to work therein without there is first provided and placed on file in the office an affidavit made by the parent or guardian, stating the age, date and place of birth of said child. If said child has no parent or guardian, the said affidavit shall be made by the child, which affidavit shall be kept on file by the employer, and said register and affidavit shall be produced for inspection on demand by the labor inspector.

There shall be posted conspicuously in every room where children under sixteen years of age are employed, a list of their names, with their ages respectively. No child under the age of sixteen years shall be employed in any manufacturing establishment, mine, mill or workshop who can not read and write simple sentences in the English language, except during the vacation of the public schools in the city or town where such child lives. The labor inspector shall have the power to demand a certificate of physical fitness from some regular physician in the case of children who may be physically unable to perform the labor at which they may be employed, and shall have the power to prohibit the employment of any child that can not obtain such a certificate.

§ 3. No person, firm or corporation shall employ or permit any child under the age of sixteen years to have the care, custody, management of, or to operate any elevator, or shall employ or permit any person under the age of eighteen years to have the care, custody, management or operation of any elevator running at a speed of over two hundred feet a minute, nor shall any person under sixteen years of age be employed at sewing belts or assist in sewing belts nor, shall any such child adjust any belt to any machinery.

§ 4. It shall be the duty of the owner of any manufacturing

establishment or his agents, superintendent or other person in charge of the same, to furnish and supply, or cause to be furnished and supplied therein, in the discretion of the labor inspector, where machinery is used, belt shaftings or other safe machanical contrivances for the purposes of throwing on or off belts or pulleys; and wherever possible machinery therein shall be provided with loose pulleys; all vats, pans, saws, planes, cogs, gearing, belting, shafting, set screws and machinery of every description therein shall be properly guarded, and no person shall remove or make ineffective any safeguard around or attached to any planer, saw, belting, shafting, or other machinery, or around any vat or pan, while the same is in use, unless for the purpose of immediately making repairs thereto, and all such safeguards shall be promptly replaced. By attaching thereto a notice to that effect, the use of any machinery may be prohibited by the labor inspector, should such machinery be regarded as dangerous, such notice must be signed by the labor inspector or his assistant, and shall only be removed after the requirements of safeguards are provided or unsafe or dangerous machine shall not be used in the meantime. No person under eighteen years of age, and no woman under twenty-one years of age shall be allowed to clean machinery while in motion.

§ 5. Suitable and proper wash rooms and water closets shall be provided in each manufacturing establishment, and such water closets shall be properly screened and ventilated, and be kept at all times in a clean condition; and if woman and girls are employed in any such establishment, the water closets shall have separate approaches, and be separate and apart from those used by men. All closets shall be kept free of obscene writing and marking.. A dressing room shall be provided for women and girls when required by the labor inspector, in any manufacturing establishment in which women and girls are employed.

§ 6. Not less than sixty minutes shall be allowed for the noon day meal in any manufacturing establishment in this Commonwealth, the Labor Inspector, shall have the power to issue written

permits in special cases, allowing shorter meal time at noon, and such permits must be conspicuously posted in the main entrance of the establishment, and such permit may be revoked at any time the labor inspector deems it necessary, and shall only be given where good cause can be shown.

§ 7. Every person, firm, corporation, association, individual or partnership, employing girls or adult women in any manufacturing, mechanical or mercantile industry, laundry, workshop, renovating works or printing office in this Commonwealth shall provide seats for the use of the girls and women so employed, and shall permit the use of such by them when not necessarily engaged in the active duties for which they are employed.

§ 8. The walls and ceilings of each room in every manufacturing establishment shall be lime washed or painted, when in the opinion of the labor inspector, it shall be conducive to the health or cleanliness of the person working therein.

§ 9. The labor inspector or other competent person designated for such purpose by the labor inspector, shall inspect any building used as a workshop or manufacturing establishment, or anything attached thereto, located therein, or connected therewith, which has been represented to be unsafe or dangerous to life or limb, if it appears upon such inspection that the building or anything attached thereto, located therein or connected therewith, is unsafe or dangerous to life and limb, the labor inspector shall order the same to be removed or rendered safe and secure, and if such notification be not complied with within a reasonable time, he shall prosecute whoever may be responsible for such delinquency.

§ 10. It shall be the duty of the labor inspector to cause this act to be enforced, and to cause all violators of this act to be prosecuted, and for that purpose he is empowered to visit and inspect at all reasonable hours, and as often as shall be practicable and necessary, all manufacturing establishments in this Commonwealth, it shall be the duty of the labor inspector to examine into all violation of laws made for the benefit of labor, and to prosecute all

violations thereof, it shall be unlawful for any person to interfere with, obstruct or hinder said inspector while in the performance of his duties, or to not properly answer questions asked by him with reference to any of the provisions hereof. The labor inspector shall make a biennial report of his doings as such inspector to the Legislature during the month of January. Such inspector shall have the power, as a notary public to administer oaths and take affidavits in matters connected with the enforcement of the provisions of this act, he shall also have police power to arrest violators of this act.

§ 11. The prosecuting attorney of any county of this Commonwealth is hereby authorized upon request of the labor inspector, or of any other person of full age, to commence and prosecute to termination before any circuit court, police court, or other court of competent jurisdiction in the name of the Commonwealth of Kentucky, actions or proceedings against any person reported to him to have violated the provisions of this act.

§ 12. The words "manufacturing establishment," wherever used in this act, shall be construed to mean any mill, factory or workshop where five or more persons are employed at labor.

§ 13. A copy of this act shall be conspicuously posted and kept posted in each workroom of every manufacturing establishment, mill, mine or workshop in this Commonwealth.

§ 14. This act shall take effect and be in force on and after its passage and publication.

§ 15. Any person who violates or omits to comply with any of the provisions, or who refuses to comply with the orders of the labor inspector, properly made under the provisions of this act, or who suffers or permits any child to be employed in violation of its provisions, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not more than fifty dollars for the first offense, and not more than two hundred dollars for the second offense, to which may be added imprisonment for not more thirty days; and for the third offense a fine of not less than two

hundred and fifty dollars, and not more than sixty days imprisonment or both at the discretion of the court.

§ 16. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

The substitute as proposed therefor by the committee is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No child under sixteen years of age, employed in any manufacturing establishment, mine, mill or workshop in this Commonwealth shall be required, permitted or suffered to work therein more than sixty hours in any one week; nor more than ten hours in any one day, unless for the purpose of making shorter work day on any one day of the week, and in no case shall any child under sixteen years of age, work in any manufacturing establishment, mine, mill or workshop after seven o'clock in the evening or before six o'clock in the morning of any day; and every person, firm, corporation or company employing any child under sixteen years of age, in any manufacturing establishment, mine, mill or workshop shall post, and keep posted in a conspicuous place in their office, a printed notice stating the number of hours of labor per day required of such persons for each day of the week, and the number of hours of labor exacted or permitted to be performed by such persons shall not exceed the number of hours of labor so posted as being required The time of beginning and ending the day's labor shall be the time stated in such notice.

§ 2. No child under fourteen (14) years of age shall be employed at any time in any factory, workshop, mill, or mine. No such child shall be employed in any mercantile establishment, nor in any service of any telegraph, telephone or public messenger company, laundry or printing establishment, except during the vacation of the public schools. No child under sixteen (16) years of age shall be employed at any occupation dangerous or injurious to health or

morals. And in event of disagreement between the labor inspector and proprietor, the city or county physician shall be called in as reference, and his decision shall be final. It shall be the duty of every person employing children, to keep a register, in which shall be recorded the name, birthplace, age and place of residence of every person employed by him under the age of sixteen years; and it shall be unlawful for any proprietor, agent, foreman or other person in or conneceted with a manufacturing establishment, mine, mill or workshop, to hire or employ any child under the age of sixteen years to work therein without there is first provided and placed on file in the office, an affidavit made by the parent or guardian, stating the age, date and place of birth of said child. If said child has no parent or guardian, the said affidavit shall be made by the child, which affidavit shall be kept on file by the employer, and said register and affidavit shall be produced for inspection on demand by the labor inspector.

There shall be posted conspicuously in every office of every factory, mill, workshop or mine, where children under sixteen years of age are employed, a list of their names, with their ages respectively. The labor inspector shall have the power to demand a certificate of physical fitness from the city or county physician in the case of children, whom he deems to be physically unable to perform the labor at which they may be employed, and shall have the power to prohibit the employment of any child that can not obtain such certificate.

§ 3. No person, firm or corporation shall employ or permit any child under the age of sixteen years to have the care, custody, management of, or to operate any elevator, nor shall any person under sixteen years of age be employed at sewing belts or assist in sewing belts.

§ 4. It shall be the duty of the owner of any manufacturing establishment, or his agents, superintendent or other person in charge of the same to furnish and supply when practicable, or cause to be furnished and supplied therein, belt shifters or other safe mechani-

cal contrivances for the purpose of throwing belts on or off pulleys; and wherever practicable machinery therein shall be provided with loose pulleys. All vats, pans, saws, planes, cogs, gearing, belting, shafting, set screws and machinery of every description therein, which is palpably dangerous where practicable shall be properly guarded, and no person shall remove or make ineffective any safeguard around or attached to any planer, saw, belting, shafting, or other machinery, or around any vat or pan, while the same is in use, unless for the purpose of immediately making repairs thereto, and all such safeguards shall be promptly replaced. No person under eighteen years of age shall be allowed to clean machinery while in motion.

§ 5. Suitable and proper wash rooms and water closets shall be provided in each manufacturing establishment, and such water closets shall be properly screened and ventilated, and be kept at all times in a clean condition; and if women and girls are employed in any such establishment, the water closets shall have separate approaches, and be separate and apart from those used by men. All closets shall be kept free from obscene writing and marking. A dressing room shall be provided for women and girls when required by the labor inspector in any manufacturing establishment in which women and girls are employed.

§ 6. Every person, firm, corporation, association, individual, or partnership, employing girls or adult women in any manufacturing, mechanical or mercantile industry, laundry, workshop, renovating works or printing office in this Commonwealth shall provide seats for the use of the girls and women so employed, and shall permit the use of such by them when not necessarily engaged in the active duties for which they are employed.

§ 7. The walls and ceilings of each room in every manufacturing establishment shall be lime washed or painted, when in the opinion of the labor inspector it shall be conducive to the health or cleanliness of the person working therein.

§ 8. That the grand jury shall have inquisitorial powers to in-

vestigate violations of this act, and that judges of the circuit courts of the State shall specially charge the grand jury at the beginning of each term of the court to investigate violations of this act.

§ 9. The words "manufacturing establishment," wherever used in this act shall be construed to mean any mill, factory or workshop where labor is employed.

§ 10. A copy of this act shall be conspicuously posted and kept posted in each work room of every manufacturing establishment, mill, mine or workshop in this Commonwealth.

§ 11. Any person who violates any of the provisions of this act, or who suffers or permits any child to be employed in violation of its provisions, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not more than fifty dollars for the first offense, and not more than two hundred dollars for the second offense.

§ 12. The provisions of this act shall not apply to the handling of fruits and vegetables in season, and the delivery of tobacco at the warehouses, and preparing same for the manufacturer.

§ 13. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Mr. Best offered the following amendment to said substitute:

Amend by striking out of the first section the following words: "and in no case shall any child under sixteen years of age work in any manufacturing establishment, mine, mill or workshop after seven o'clock in the evening or before six o'clock in the morning of any day.

Said amendment was disagreed to.

Mr. Chipman offered the following amendment to said substitute, viz.:

Amend by striking out the word "sixteen" and insert in lieu thereof twelve.

Said amendment was disagreed to.

Said substitute was then agreed to.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | Lloyd W. Gates, | Henry G. Overstreet, |
| Louis W. Arnett, | W. J. Gooch, | C. M. Paynter, |
| John Barr, | H. H. Griffin, | J. M. Robertson, |
| Roger P. Blair, | John C. Griffith, | Richard S. Rose, |
| H. Kirby Bourne, | Albert Hamilton, | S. M. Russell, |
| W. T. Cain, | J. A. Hamon, | J. T. Scott, |
| M. F. Campbell, | C. W. G. Hannah, | Ed. H. Shellman, |
| Bennett Clarke, | L. P. Head, | R. C. Simmons, |
| Sam. D. Cochran, | W. H. Jones, | T. J. Slaton, |
| H. K. Cole, | Wm. F. Klair, | W. H. Southall, |
| W. H. Cole, | Geo. D. Litsey, | John A. Stevens, |
| Ed. Croan, | H. M. McCarty, | Zeb. A. Stewart, |
| Charles I. Dawson, | M. H. McLean, | George W. Stone, |
| A. L. Denny, | R. W. Miller, | C. C. Terry, |
| Lawrence J. Diskin, | Chris Mueller, | Harry Weitkamp, |
| Thomas Drewry, | J. M. Mitchell, | John B. Wicker, |
| W. Reed Embry, | V. W. Morris, | Geo. S. Wilson, |
| Robert Enlow, | James S. Morris, | J. T. Wilson, |
| J. A. Frazier, | Ed. Mulcahy, | Munnell Wilson, |
| M. T. Freeman, | Ion B. Nall, | James G. Yaden—63. |
| Taylor P. Gabbard, | W. J. Osborne, | |

Those who voted in the negative were—

| | | |
|---|---|---|
| B. O. Becker, | Henry C. Miller, | A. J. Thompson, |
| Peter Best, Jr., | John R. Ray, | Wm. Wilt, |
| N. B. Chipman, | M. M. Redwine, | W. T. Wright, |
| W. J. Jackson, | J. T. Royalty, | J. A. Yates—13. |
| L. F. Johnson, | Hub L. Stevens, | |

Mr. McLean offered the following amendment to the title of said bill, viz.:

Amend title to bill No. 92, by adding thereto the following "and to regulate the employment, use and protection of child labor in mills, mines, factories, etc."

Said amendment was agreed to.

Resolved, That the title of said bill be as follows, viz.:

An act to amend an act, entitled "An act to make it unlawful to employ a child less than fourteen years of age in workshops, mines, mills or factories and to regulate the employment use and protection of child labor in mills, mines, factories, etc."

Mr. McLean moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

Mr. Nall, of the committee on enrollments, reported that they had examined and found correctly enrolled bills and a joint resolution of the following titles, viz.:

S. Res. 21. Resolution requesting our Representatives in Congress to favor an annual appropriation of fifty million dollars for the benefit of the rivers and harbors of the United States.

S. B. 162. An act creating and establishing a board of commissioners to be known as the Kentucky State Board of Control for charitable institutions and prescribing its duties and powers.

H. B. 60. An act amending an act which was enacted by the General Assembly of 1904, and approved March 24, 1904, entitled "An act to prevent the adulteration, mixing and misbranding of orchard grass seed, and other seeds," and fixing a punishment therefor.

H. B. 82. An act to provide for the payment of interest, and to

create a sinking fund for the ultimate redemption of county bonds, issued for the benefit of certain turnpike taxing districts.

Thereupon all other business was suspended and said bills and joint resolutions were severally read at length and examined in open session. And, being found correctly enrolled, the Speaker, in open session, in presence of the House, affixed his signature thereto.

Ordered that the enrolling clerk deliver same to the Senate.

Mr. Thompson of the Committee on Agriculture to which the same had been referred reported bills of the following titles, viz.:

S. B. 287. An act permitting persons to combine or pool their crops of wheat, tobacco and other products, and sell same as a whole; and making contracts in pursuance thereof valid.

By same:

S. B. 249. An act to regulate the sale of concentrated commercial stuffs, defining same and fixing penalties for violations thereof.

By Mr. Redwine, of the Committee on Kentucky Statutes:

H. B. 414. An act prohibiting circuit and county court clerks and their deputies from writing deeds and mortgages.

Said bills were severally read the first time at length and ordered to be placed on the calendar.

The House took up for consideration from the calendar bills of the following titles, viz.:

S. B. 165. An act to amend sections 2241, 2242 and 2243, and repealing and providing a substitute for section 2247 of Kentucky Statutes, compiled and edited by John D. Carroll, and issued in the year 1903, said sections being a part of article 1, chapter 74, of the Kentucky Statutes, and entitled Juries.

H. B. 260. An act to amend the acts of March 17, 1902, entitled "An act for the protection of orchards, game, preserves, ginseng gardens or farms or other private premises, same being chapter 22, of the acts of 1902."

H. B. 284. An act to amend article 1, of chapter 110, Kentucky Statutes, Carroll edition, 1903, entitled "roads and passways," providing that fiscal courts may prescribe amount of work, lawful road hands who own teams are required to do duty of overseers and punishment for failure of hands or overseers to do their duty as prescribed by this act.

H. B. 285. An act to amend article 1 of chapter 110, Kentucky Statutes, Carroll edition, 1903, entitled "roads and passways," establishing public road institutes, and prescribing punishment for overseers failing to attend same, and further prescribing punishment for failure of county judge to do his duty as set out in this act.

H. B. 503. An act to prevent the fraudulent disposition of personal property.

Ordered that said bills be read the second time.

The provision of the Constitution as to the second reading of said bills, at length, being dispensed with, said bills were severally read the second time by their titles.

Ordered that said bills be placed in the orders of the day.

And then the House adjourned until ten o'clock to-morrow morning.

WEDNESDAY, MARCH 7, 1906.

The House opened with prayer by the Rev. J. A. O. Vaught, of the Methodist church.

The reading of the Journal of yesterday's proceedings was dispensed with and the same was approved.

Mr. Redwine offered the following resolution, viz.:

Resolved, That the enrolling clerk of the House be, and he is authorized and directed to employ such assistance as may be necessary to enable her to have all House bills promptly enrolled, ready for signing before final adjournment. The Auditor is hereby directed to draw his warrant on the Treasurer in favor of such persons and for such amounts as the enrolling clerk may certify as necessary and correct under the resolution, when the same is countersigned by the chief clerk.

The same is declared to be a contingent expense of the House and is directed to be paid as such when a copy of this resolution is certified to him by the clerk of this House.

Said resolution was agreed to.

Mr. Drewry offered the following resolution, viz.:

Resolved, That the chief clerk of the House be, and he is hereby directed to prepare the records in the contested election cases from the city of Louisville, and when so prepared and arranged the said clerk is directed to deliver same to J. Hunter Ross, of Louisville, for examination. When so examined to be returned by said Ross to the said chief clerk, proper precaution to be taken by said Ross to preserve same and return in good condition.

The sum of one hundred dollars is hereby allowed to James E. Stone, chief clerk, for services hereunder rendered, and the same

is hereby declared to be a contingent expense of this House, and the Auditor of Public Accounts is hereby directed to draw his warrant on the Treasurer in favor of James E. Stone for said sum of one hundred dollars, when a copy of this resolution is certified to him.

Said motion was agreed to.

Mr. Johnson offered the following resolution, viz.:

Resolved, That the sum of $26.75 be, and the same is hereby, allowed C. W. Longmire for expenses incurred in caring for and returning the ballot boxes in the case of contest, Slaton vs. Taggart, and that he be authorized to certify the same to the Auditor of Public Accounts as a contingent expense of the House and that the Auditor is authorized to draw his warrant on the Treasurer for the same.

Said motion was agreed to.

Mr. Redwine called up for consideration, from the clerk's desk, a bill, entitled

H. B. 140. An act to amend section 1, of an act, entitled "An act relating to the holding of circuit courts in cities larger than county seats and located more than 17 miles from the county seat.

Together with an amendment proposed thereto by the Senate.

(For bill see House Journal February 1st.)

The amendment as proposed thereto by the Senate is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky.

§ 1. That any county in this Commonwealth, having a town not larger than the fourth class, and containing a population larger than the county seat, according to the enumeration hereinafter provided for, and not less than twelve miles by the most convenient route usually traveled, from the county seat, the circuit courts for each of said counties shall be held alternately, so as to divide the time

between the county seat and the larger town, as the business may require, the first part of each term as now provided by law to be held at the county seat, the other part of the term to be held at the larger town.

§ 2. It shall be the duty of the judge of the circuit court of the judicial district in which the said town is located, to cause to be summoned and empannelled grand and petit juries, and in all things to conduct the said court in the larger town in the same manner as provided by law for holding courts in the county seat of the county in which the larger town is located; provided, said circuit court may adjourn the grand and petit jury selected for the holding of courts at either of said places to the other place.

§ 3. All civil cases brought and prosecuted in said county shall be tried in the court nearest where the defendant resides, the distance to be estimated by the most convenient route usually traveled. Where there are two or more defendants, part of whom reside nearer the county seat and part nearer the larger town, the case may be tried at either place. In all cases the court shall have a liberal discretion and may try any case at either place where the ends of justice and the convenience of the greater number of parties and witnesses may be subserved.

§ 4. Criminal cases shall be tried at the place nearest where the offense was committed; provided, if the court be of the opinion that the ends of justice would be better subserved thereby, he may try any criminal case at either of said places, and it shall not be a ground of appeal on reversal that any such case was tried at one place when it should have been tried at another.

§ 5. It shall be the duty of the county judge in the counties having a town larger than that of the county seat, to appoint a commission to enumerate the population, which enumeration shall be confined to the boundary line of said town as now established, and said enumeration shall be made and returned to the county judge not earlier than July 1, 1906, nor later than September 1, 1906. Provided, That furnishing a court room and prison at said larger town shall be

bourne by said larger town, as well as the expenses of securing a vault and depository for books and papers pertaining to records of the circuit court of said county, and all other expenses pertaining to the moving of records and holding the said court at the larger town without expense to the county. This act shall not in any way be construed to change the manner in which courts are now held by laws previously enacted for holding courts in counties where there are two courts.

Said amendment was concurred in.

Said bill as amended was passed.

The yeas and nays being taken on the passage of said bill as amended, in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | Paul Gullion, | Ed. H. Shellman, |
| John Barr, | W. C. Halbert, | T. J. Slaton, |
| W. G. Baxter, | Albert Hamilton, | Emmet P. Slattery, |
| B. O. Becker, | J. A. Hamon, | W. W. Smith, |
| Peter Best, Jr., | C. W. G. Hannah, | W. H. Southall, |
| Roger P. Blair, | L. P. Head, | Hub L. Stevens, |
| Joe F. Bosworth, | L. F. Johnson, | Zeb. A. Stewart, |
| J. C. Byland, | Wm. F. Klair, | C. C. Terry, |
| N. B. Chipman, | M. H. McLean, | A. J. Thompson, |
| J. W. Clay, | J. M. Mitchell, | Harry Weitkamp, |
| Sam. D. Cochran, | James S. Morris, | John B. Wicker, |
| Charles I. Dawson, | Ed. Mulcahy, | Geo. S. Wilson, |
| Lawrence J. Diskin, | Ion B. Nall, | J. T. Wilson, |
| Thomas Drewry, | C. M. Paynter, | Munnell Wilson, |
| J. A. Frazier, | M. M. Redwine, | J. Hal Woodford, |
| Lloyd W. Gates, | J. M. Robertson, | W. T. Wright, |
| W. J. Gooch, | S. M. Russell, | Jas. C. Yaden—52. |
| A. J. Gorham, | | |

Those who voted in the negative were—

| | | |
|---|---|---|
| W. T. Cain, | D. C. Hopper, | Richard S. Rose, |
| M. F. Campbell, | W. J. Jackson, | J. T. Royalty. |

| | | |
|---|---|---|
| Bennett Clarke, | W. H. Jones, | R. C. Simmons, |
| W. H. Cole, | Virgil McKnight, | John A. Stevens, |
| Ed. Croan, | V. W. Morris, | George W. Stone, |
| Robert Enlow, | John R. Ray, | J. A. Yates—19. |
| H. H. Griffin, | | |

A message was received from the Governor, announcing that he had approved and signed bills which originated in the House of the following titles, viz.:

H. B. 458. An act in relation to the control, management and operation of water works in cities of the first class.

H. B. 14. An act for the benefit of the Kentucky School for the Deaf.

A message was received from the Senate, announcing that they had adopted resolutions and passed bills of the following titles, viz.:

(1) S. Res. 19. Resolution for the benefit of Essex Mosby.

(2) S. Res. 20. Resolution for the benefit of Mc. J. Davis.

(3) S. Res. 24. Resolution for the benefit of the ministers of the gospel at Frankfort.

(4) S. B. 118. An act to repeal an act relating to barbering, being chapter 9a, section 165a, of Carroll's 1903, Kentucky Statutes, which became a law March 21, 1902.

(5) S. B. 127. An act authorizing the recognizance of witnesses in civil cases.

(6) S. B. 243. An act to amend the act for incorporation of private corporations, being chapter 32 of the Kentucky Statutes.

(7) S. B. 217. An act providing for the appointment by the Governor of this Commonwealth of three delegates to formulate a law to be presented to the Legislature, concerning the regulation and control of pools, trusts and combinations in restraint of trade, and to invite the co-operation of the Governors of other States of the

United States, to appoint like commissioners, and providing for the assembling and working of such delegates and for the defraying of the expenses incident to the carrying out of this act.

Said bills and resolutions were ordered to be printed and were by the Speaker referred to

One, three and seven, to the Committee on Appropriations.
Two and four, to the Committee on Judiciary.
Five, to the Committee on Circuit Courts.
Six, to the Committee on Corporate Institutions.

Indefinite leave of absence was granted Mr. White.

The committees to which the same had been referred reported bills of the following titles, viz.:

By Mr. Arnett, of the Committee on Circuit Courts.

S. B. 237. An act authorizing and empowering the commissioners of the sinking fund to donate any interest the Commonwealth may own in any turnpike road companies in the State, when all the stock in any such turnpike company is owned by the Commonwealth and any county or counties, and such county or counties will undertake to make and maintain such turnpike free of toll to the traveling public.

By same.

S. B. 297. An act to regulate the racing of running horses in the Commonwealth of Kentucky and to establish a State racing commission and prescribing its powers and duties.

By Mr. George S. Wilson, of the Committee on Corporate Institutions,

S. B. 272. An act to ratify and confirm charters of corporations heretofore taken out under the laws of the Commonwealth, under the statute permitting a consolidation of corporations.

By Mr. James S. Morris , of the Committee on Court of Appeals,

S. B. 129. An act to regulate the distribution of the reports of decisions of the court of appeals.

By Mr. Drewry, of the Committee on Constitutional Amendments,

S. B. 37. An act to provide for the amendment and revision of section 171 of the Constitution of Kentucky.

By Mr. Enlow, of the Committee on Public Morals,

S. B. 81. An act to amend an act, entitled "An act to regulate the sale of intoxicating liquors by wholesale in this Commonwealth which was approved March 22, 1904."

By Mr. H. K. Cole, of the Committee on Internal Improvements.

S. B. 194. An act to amend section 4313 of the Kentucky Statutes, compiled by John D. Carroll.

Said bills were severally read the first time at length and ordered to be placed on the calendar.

Mr. Hannah called up for consideration, from the clerk's desk, a resolution heretofore offered by him, viz.:

(For Res. see House Journal March 2.)

Mr. Hannah moved that said resolution lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a joint resolution, entitled

H. Res. 7. Resolution for the payment to the widow of the late Hon. J. W. McCain, the pay and per diem which he would have received for attending the last extra session had he lived.

Said resolution is as follows, viz.:

Whereas, Hon. J. W. McCain, late Representative of the Fifty-second Legislative District, died after the adjournment of the regu-

lar session, and prior to the meeting of the extraordinary session of the last General Assembly; and

Whereas, At said extraordinary session the General Assembly adopted a joint resolution expressing it as the will of the House and Senate that the per diem salary, mileage and stationery that would have been paid said McCain, had he lived and attended said extraordinary session, should be paid to his surviving widow, and that same should be paid her; and

Whereas, same has not been paid, therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky.

That the Auditor of Public Accounts be, and he is hereby, authorized to draw his warrant on the Treasurer of the State, by order of the clerk of the House of Representatives, in favor of Mrs. Kate McCain, widow of said J. W. McCain, deceased, for the amount of money that would have been due said decedent, had he lived and attended upon said extraordinary session during the time of its setting; and same is to be paid out of any money not otherwise appropriated.

Ordered that said resolution be read the third time.

The provision of the Constitution as to the third reading of said resolution, at length, being dispensed with, said resolution was read the third time by its title and passed.

The yeas and nays being taken on the adoption of said resolution, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | H. H. Griffin, | Richard S. Rose, |
| Louis W. Arnett, | John C. Griffith, | J. T. Royalty, |
| John Barr, | Paul Gullion, | S. M. Russell, |
| W. G. Baxter, | Albert Hamilton, | J. T. Scott, |
| B. O. Becker, | J. A. Hamon, | Ed. H. Shellman, |
| Peter Best, Jr., | C. W. G. Hannah, | T. J. Slaton, |
| Roger P. Blair, | L. P. Head, | Emmet P. Slattery, |

Joe F. Bosworth,
H. Kirby Bourne,
J. C. Byland,
M. F. Campbell,
N. B. Chipman,
Bennett Clarke,
Sam. D. Cochran,
Henry M. Cox,
Charles I. Dawson,
A. L. Denny,
Lawrence J. Diskin,
Thomas Drewry,
Robert Enlow,
J. A. Frazier,
Taylor P. Gabbard,
Lloyd W. Gates,
W. J. Gooch,
A. J. Gorham,
D. C. Hopper,
W. J. Jackson,
L. F. Johnson,
Wm. F. Klair,
Geo. D. Litsey,
H. M. McCarty,
M. H. McLean,
R. W. Miller,
Chris Mueller,
J. M. Mitchell,
V. W. Morris,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
C. M. Paynter,
John R. Ray,
M. M. Redwine,
J. M. Robertson,
W. W. Smith,
W. H. Southall,
Hub L. Stevens,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
C. C. Terry,
A. J. Thompson,
Harry Weitkamp,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson,
J. Hal Woodford,
W. T. Wright,
James C. Yaden,
J. A. Yates—74.

In the negative—none.

Resolved, That the title of said resolution be as aforesaid.

The House took up for consideration, from the orders of the day, a joint resolution, entitled

S. Res. 8. Resolution providing for the appointment of three delegates to represent the State of Kentucky at Washington, in a congress of delegates to meet for the purpose of securing uniform laws in the several States upon divorce and providing for the payment of the expenses of such delegates.

Said resolution is as follows, viz.:

Whereas, by his message to the General Assembly on the 22d day of January, 1906, the Governor of this Commonwealth has directed attention to the advantage of the State of Kentucky in being represented in the congress of delegates chosen to represent the several States of the United States, which will meet on the 19th of February, 1906, for the purpose of securing a uniform law upon divorce in the sev-

eral States of the United States. And, whereas, many of the States of the United States have heretofore appointed delegates and a provisional committee of such delegates have heretofore met and made arrangements for such meeting, and do request that the delegates of each State shall furnish in advance of such congress a brief digest of the statute laws of each State to the delegates, therefore

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the presiding officer of each branch of the General Assembly shall be empowered to appoint from the membership of such branch one delegate to attend said meeting of congress of delegates, to meet in the city of Washington, February 19, 1906 and the Governor of this Commonwealth shall appoint one delegate to represent the State at large in said congress; and that said delegates so appointed shall attend and represent the State of Kentucky in said congress.

Be it further resolved, that it shall be the duty of said delegates so soon as they may, after their appointment, cause to be briefly digested the existing statutes of the State of Kentucky upon the subject of divorce and furnish copies thereof in accordance with the request of the provisional committee of said congress.

The expenses of said delegates in the discharge of their duties as such shall be paid by the Treasurer out of any funds not otherwise appropriated, upon warrant of the Auditor; and the Auditor is hereby directed to draw his warrant therefor when the account of such expenses shall be presented to him approved by the Governor.

Ordered that said resolution be read the third time.

The provision of the Constitution as to the third reading of said resolution, at length, being dispensed with, said resolution was read the third time by its title and passed.

The yeas and nays being taken on concurring in said resolution, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | Taylor P. Gabbard, | Henry G. Overstreet, |
| Louis W. Arnett, | Lloyd W. Gates, | C. M. Paynter, |
| John Barr, | A. J. Gorham, | John R. Ray, |
| W. G. Baxter, | H. H. Griffin, | M. M. Redwine, |
| B. O. Becker, | John C. Griffith, | J. M. Robertson, |
| Peter Best, Jr., | Albert Hamilton, | J. T. Royalty, |
| Roger P. Blair, | J. A. Hamon, | J. T. Scott, |
| H. Kirby Bourne, | C. W. G. Hannah, | Ed. H. Shellman, |
| J. C. Byland, | L. P. Head, | R. C. Simmons, |
| W. T. Cain, | D. C. Hopper, | T. J. Slaton, |
| M. F. Campbell, | W. J. Jackson, | Emmet P. Slattery, |
| Bennett Clarke, | L. F. Johnson, | W. W. Smith, |
| J. W. Clay, | W. H. Jones, | Hub L. Stevens, |
| Sam. D. Cochran, | Wm. F. Klair, | John A. Stevens, |
| H. K. Cole, | Geo. D. Litsey, | Zeb. A. Stewart, |
| W. H. Cole, | M. H. McLean, | George W. Stone, |
| Henry M. Cox, | Henry C. Miller, | C. C. Terry, |
| Ed. Croan, | R. W. Miller, | Harry Weitkamp, |
| Charles I. Dawson, | Chris Mueller, | John B. Wicker, |
| A. L. Denny, | J. M. Mitchell, | Geo. S. Wilson, |
| Thomas Drewry, | V. W. Morris, | J. T. Wilson, |
| Robert Enlow, | James S. Morris. | Munnell Wilson, |
| J. A. Frazier, | Ed. Mulcahy, | J. Hal Woodford, |
| M. T. Freeman, | W. J. Osborne, | W. T. Wright—72. |

In the negative—none.

Resolved, That the title of said resolution be as aforesaid.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 249. An act for the benefit of the Kentucky Historical Society, appropriating annually $5,000.00 therefor and providing for postage and stationery supplies for the society and providing for the publication of the Register Magazine of the society.

Together with the substitute as proposed therefor by the committee.

Said bill is as follows, viz.:

Whereas, the object of this society, as under its charter given by the Legislature of Kentucky, was defined, "to collect and preserve whatsoever relates to the history of Kentucky;" and

Whereas, the members of the Kentucky (State) Historical Society, among the most prominent men and women of the State, have earnestly sought to carry out the idea of its early founders and promote the object and interest of this society, as trustees of the State, and have stored the rooms, set apart by the General Assembly of Kentucky for the society, with something of everything illustrating the history of the Commonwealth, from portraits and pictures of priceless value to the humble wheels and looms and hoes and axes of pioneer industries, and a library stored with information of Kentucky, and its relation to the United States, the part its great statesmen and gallant soldiers have taken in forming and perpetuating the government of the United States, with relics and histories of the wars with England, the Mexican War, the Civil War, and the late Cuban and Philippine wars; and

Whereas, by our historical work and wide correspondence with the historical societies throughout the Union, and the progressive States North and South, desiring now co-operation with them, and also the honoring request of the "American Association of History," as well as that of Great Britain, urging Kentucky to unite with them, in obtaining and preparing a complete history of this State as a nucleus of history in the northwestern part of the American Continent, both northwest and southwest of the Alleghany Mountains; and

Whereas, This work of the Historical Society has grown so large and extended so far, by reason of the distinguished position of our famous State, that in order to place it in line with the leading States in the Union, Pennsylvania, Wisconsin, Mississippi and Alabama, that have appropriated to their historical societies from $100,000 to $10,000 annually, we earnestly desire that the State will aid us in our patriotic endeavor to meet the demands of its position, thus en-

larging its historical influence and thereby augmenting its fame and its usefulness, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky.

§ 1. That there is hereby appropriated annually out of the Treasury of this Commonwealth to and for the benefit of the Kentucky (State) Historical Society the sum of five thousand dollars.

On July 1, 1906, and annually thereafter the Auditor of Public Accounts shall draw his warrant in favor of the Kentucky Historical Society for said sum of five thousand dollars, which sum shall be used by said Society for the purpose set out in the act of the General Assembly creating and incorporating said society and legalizing its charter; and for the purpose set out in the preamble of this act, namely, to pay the officers of the Society, and enable them to do the part assigned them, in the Society, for the advancement of the State and the Nation, and their enlarged and ever enlarging historical interests.

That the Kentucky Historical Society shall prepare and publish periodically a magazine, and pamphlets and records and such matters of general historical interest and such other matters, as the Society may demand; and that said magazine, namely, The Register, edited by some competent member of the Society, shall be printed and published in the same manner that other public documents are printed, and that said society shall be provided with stationery, postage stamps and other office supplies, as any other department of the State, and as the aforesaid act, incorporating this Society, comprehended.

Before said annual sum of five thousand dollars shall be paid to the Kentucky Historical Society, the Governor, ex-officio, being the presiding officer of this society, shall see that a full and correct account of the expenditure of these funds shall be made annually and laid before each recurring session of the Legislature.

§ 2. This act shall take effect from and after its passage.

Said substitute is as follows, viz.:

An act for the benefit of the Kentucky Historical Society, appropriating annually $5,000.00 therefor, and providing for postage and stationery supplies for the Society, and providing for the publication of the Register magazine of the Society, the purchase of objects of historical interest, and the payment of a secretary-treasurer.

Whereas, the object of this society, as under its charter given by the Legislature of Kentucky, act approved February 19, 1880, was defined, "to collect and preserve whatsoever relates to the history of Kentucky," and

Whereas, the members of the Kentucky (State) Historical Society, among the most prominent men and women of the State, have earnestly sought to carry out the idea of its early founders and promote the object and interests of the society, as trustees of the State, and have stored in the rooms, set apart by the General Assembly of Kentucky for the Society, with something of everything illustrating the history of the Commonwealth, from portraits and pictures of priceless value to the humble wheels and looms and hoes and axes of pioneer industries, and a library stored with information of Kentucky, and its relation to the United States, the part its great statesmen and gallant soldiers have taken in forming and perpetuating the Government of the United States; with relics and histories of the wars with England, the Mexican War, the Civil War, and the late Cuban and Philippine wars; and

Whereas, By our historical work and wide correspondence with the historical societies throughout the Union, and the progressive States, North and South, desiring now co-operation with them, and also the honoring request of the "American Association of History," as well as that of Great Britain, urging Kentucky to unite with them in obtaining and preparing a complete history of this State as a nucleus of history in the northwestern part of the American Continent, both northwest and southwest of the Alleghany Mountains; and

Whereas, This work of the historical society has grown so large and extended so far, by reason of the distinguished position of our

famous State, that in order to place it in line with the leading States in the Union, Pennsylvania, Wisconsin, Mississippi and Alabama, that have appropriated to their historical societies from $100,000 to $10,000 annually, it is earnestly desired that the State should aid in the patriotic endeavor to meet the demands of its position, thus enlarging its historical influence, and thereby augmenting its fame and its usefulness, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky.

§ 1. That there is hereby appropriated annually out of the Treasury of this Commonwealth, to and for the benefit of the Kentucky (State) Historical Society, the sum of five thousand dollars. On July 1, 1906, and annually thereafter the Auditor of Public Accounts shall draw his warrant in favor of the Kentucky Historical Society for said sum of five thousand dollars, which sum shall be used by said society for the purposes set out in the preamble of this act, namely, to pay the secretary-treasurer, and to pay for printing, editing the Register, stationery, postage, stenographic aid, purchase of objects of historical interest, and to meet other incidental expenses.

The secretary-treasurer shall give an annual bond for the proper performance of the duties of said office, and for the proper accounting for all funds that may come into the hands of said society. The salary of said secretary-treasurer, to be fixed by the society, shall not exceed twelve hundred dollars per annum.

That the Kentucky Historical Society shall prepare and publish periodically a magazine, The Register, and pamphlets and records and such matters of general historical interest and such other matters as the society may demand, said printing to be included in the contract for first class printing.

Before said annual sum of five thousand dollars shall be paid to the Kentucky Historical Society, the Governor, ex-officio, being the presiding officer of this society, shall see that a full and correct account of the expenditure of these funds shall be made annually and laid before each recurring session of the Legislature.

§ 2. This act shall take effect from and after its passage.

Said substitute was agreed to.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | H. H. Griffin, | M. M. Redwine, |
| John Barr, | Paul Gullion, | J. M. Robertson, |
| W. G. Baxter, | W. C. Halbert, | Richard S. Rose, |
| B. O. Becker, | Albert Hamilton, | J. T. Royalty, |
| Joe F. Bosworth, | J. A. Hamon, | S. M. Russell, |
| J. C. Byland, | C. W. G. Hannah, | J. T. Scott, |
| M. F. Campbell, | D. C. Hopper, | Ed. H. Shellman, |
| Bennett Clarke, | L. F. Johnson, | R. C. Simmons, |
| J. W. Clay, | W. H. Jones, | T. J. Slaton, |
| Sam. D. Cochran, | Wm. F. Klair, | Emmet P. Slattery, |
| H. K. Cole, | Geo. D. Litsey, | W. W. Smith, |
| Ed. Croan, | H. M. McCarty, | W. H. Southall, |
| Charles I. Dawson, | M. H. McLean, | John A. Stevens, |
| A. L. Denny, | R. W. Miller, | Zeb. A. Stewart, |
| Lawrence J. Diskin, | Chris Mueller, | George W. Stone, |
| Thomas Drewry, | J. M. Mitchell, | C. C. Terry, |
| W. Reed Embry, | V. W. Morris, | Harry Weitkamp, |
| J. A. Frazier, | Ed. Mulcahy, | John B. Wicker, |
| M. T. Freeman, | Ion B. Nall, | Geo. S. Wilson, |
| Taylor P. Gabbard, | W. J. Osborne, | Munnell Wilson, |
| Lloyd W. Gates, | Henry G. Overstreet, | W. T. Wright, |
| W. J. Gooch, | C. M. Paynter, | James C. Yaden—69. |
| A. J. Gorham, | John R. Ray, | |

Those who voted in the negative were—

| | | |
|---|---|---|
| Peter Best, Jr., | W. H. Cole, | A. J. Thompson, |
| H. Kirby Bourne, | W. J. Jackson, | J. A. Yates—6. |

Resolved, That the title of said bill be as follows, viz.:

An act for the benefit of the Kentucky Historical Society, appropriating annually $5,000.00 therefor, and providing for postage and stationery supplies for the society, and providing for the publication of The Register, magazine of the society, the purchase of objects of historical interest, and the payment of a secretary-treasurer.

Mr. Arnett moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill, entitled

H. B. 292. An act to further regulate life insurance companies doing business in this State.

Together with a substitute therefor as offered by the committee.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Every life insurance corporation doing business in this State upon the principle of mutual insurance, or the members of which are entitled to share in the surplus funds thereof shall, annually, make distribution of such surplus as they may have accumulated.

§ 2. In determining the amount of the surplus to be distributed there shall be reserved an amount not less than the aggregate net value of all the outstanding policies, said value to be computed by the American Experience Table of Mortality, with interest not exceeding four and one-half per cent.

Said substitute is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Every foreign and domestic life insurance company which has been engaged in the business of life insurance for a period of not less than ten years, doing business in this State upon the principle of mutual insurance, or in which any policyholder shares in the profits or surplus, shall, upon all participating policies issued, after four annual premiums have been paid, make an apportionment, distribution and accounting, and annually thereafter make an apportionment, distribution and accounting of such profit or surplus as they may have accumulated.

§ 2. Every foreign or domestic life insurance company doing business in this State upon the mutual plan or in which any policyholder shares in the profit or surplus, shall, upon all participating policies issued, make an accounting of the surplus to each policyholder and submit the same to him (or her), on or before the third anniversary of the policy.

§ 3. In determining the amount of surplus to be distributed, there shall be reserved an amount not less than the aggregate net value of all outstanding policies, said value to be computed by the American Experience Table of Mortality, with interest not exceeding four and one-half per cent.

§ 4. On or before the date of the fourth anniversary of a policy, the policyholder shall have submitted to him (or her), and be permitted to select any one of the following options for the application of the apportionment surplus:

1. To be applied to purchase paid-up additions to the contract, subject to payment of premium due, if any; or

2. To be applied in the reduction of the premium, or

3. To be paid to the policyholder in cash.

Said substitute was agreed to.

Ordered, that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

J. M. Alverson,
Louis W. Arnett,
John Barr,
W. G. Baxter,
B. O. Becker,
Peter Best, Jr.,
Roger P. Blair,
H. Kirby Bourne,
J. C. Byland,
W. T. Cain,
M. F. Campbell,
N. B. Chipman,
Bennett Clarke,
J. W. Clay,
Sam. D. Cochran,
H. K. Cole,
W. H. Cole,
Henry M. Cox,
Ed. Croan,
Charles I. Dawson,
A. L. Denny,
Lawrence J. Diskin,
Thomas Drewry,
W. Reed Embry,
Robert Enlow,
J. A. Frazier,
M. T. Freeman,
Taylor P. Gabbard,
Lloyd W. Gates,
W. J. Gooch,
A. J. Gorham,
H. H. Griffin,
John C. Griffith,
Paul Gullion,
W. C. Halbert,
Albert Hamilton,
J. A. Hamon,
C. W. G. Hannah,
L. P. Head,
D. C. Hopper,
W. J. Jackson,
L. F. Johnson,
W. H. Jones,
Wm. F. Klair,
Geo. D. Litsey,
H. M. McCarty,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
J. M. Mitchell,
V. W. Morris,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
John R. Ray,
M. M. Redwine,
J. M. Robertson,
Richard S. Rose,
J. T. Royalty,
S. M. Russell,
J. T. Scott,
Ed. H. Shellman,
R. C. Simmons,
T. J. Slaton,
Emmet P. Slattery,
W. W. Smith,
W. H. Southall,
Hub L. Stevens,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
C. C. Terry,
A. J. Thompson,
C. F. Thornton,
Harry Weitkamp,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson,
Wm. Wilt,
J. Hal Woodford,
W. T. Wright,
James G. Yaden—86.

In the negative—none.

Resolved, That the title of said bill be as follows, viz.:

An act to require an accounting and distribution of the surplus of life insurance companies.

Mr. R. W. Miller moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill, entitled

H. B. 252. An act to regulate the carrying, moving, delivering, transferring or distributing of intoxicating liquors in local option districts.

Together with an amendment thereto proposed by the committee.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be unlawful for any person or persons, individual or corporation, public or private carrier, to bring into, transfer to other person or persons, corporation, carrier or agent, deliver or distribute, in any county, district, precinct, town or city, where the sale of intoxicating liquors has been prohibited, or may be prohibited, whether by special act of the General Assembly, or by vote of the people under the local option law, any spirituous, vinous, malt or other intoxicating liquor, regardless of the name by which it may be called; and this act shall apply to all packages of such intoxicating liquors whether broken or unbroken.

Provided, Individuals may bring into such district, upon their person or as their personal baggage, and for their private use, such liquors in quantity not to exceed one gallon; and, Provided, The provisions of this act shall not apply to licensed physicians or druggists, to whom any public carrier may deliver such goods, in unbroken packages, in quantity not to exceed five gallons at any one time.

§ 2. Each package of such spirituous, vinous, malt or other intoxicating liquor, regardless of the name by which it may be called,

whether broken or unbroken packages, brought into and transferred to other person, corporation, carrier or agent, delivered or distributed in such local option territory shall constitute a separate offense.

§ 3. Any person or persons, individual or corporation, public or private carrier violating the provisions of this act shall be deemed guilty of violating the local option law, and shall be fined not less than fifty nor more than one hundred dollars for each offense.

§ 4. And the place of delivery of such liquors shall be held to be the place of sale.

§ 5. And all laws in conflict with this act are hereby repealed.

Said amendment is as follows, viz.:

Amend by adding to section 4 the following, viz.:

"Provided, further, That the provisions of this act shall only apply to common carriers, corporations, firms or individuals who usually carry freight or goods for hire, and every firm, common carrier, corporation or individual who receives pay for conveying vinous, malt or spirituous liquors shall be deemed a violator of the provisions hereof."

Mr. Head moved that said bill and amendment lie on the table.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Stewart and Thornton, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | Lawrence J. Diskin, | Paul Gullion, |
| Peter Best, Jr., | J. A. Frazier, | Virgil McKnight, |
| N. B. Chipman, | A. J. Gorham, | A. J. Thompson—10. |
| J. W. Clay, | | |

Those who voted in the negative were—

| | | |
|---|---|---|
| J. M. Alverson, | Albert Hamilton, | J. T. Royalty, |
| John Barr, | J. A. Hamon, | S. M. Russell, |
| B. O. Becker, | C. W. G. Hannah, | J. T. Scott, |
| Roger P. Blair, | L. P. Head, | Ed. H. Shellman, |
| H. Kirby Bourne, | D. C. Hopper, | R. C. Simmons, |
| W. T. Cain, | W. J. Jackson, | T. J. Slaton, |
| M. F. Campbell, | W. H. Jones, | Emmet P. Slattery, |
| Bennett Clarke, | Wm. F. Klair, | W. W. Smith, |
| Sam. D. Cochran, | Geo. D. Litsey, | W. H. Southall, |
| H. K. Cole, | H. M. McCarty, | Hub L. Stevens, |
| W. H. Cole, | M. H. McLean, | John A. Stevens, |
| Henry M. Cox, | Henry C. Miller, | Zeb. A. Stewart, |
| Ed. Croan, | R. W. Miller, | George W. Stone, |
| Charles I. Dawson, | J. M. Mitchell, | C. C. Terry, |
| A. L. Denny, | V. W. Morris, | C. F. Thornton, |
| Thomas Drewry, | James S. Morris, | John B. Wicker, |
| W. Reed Embry, | Ed. Mulcahy, | Geo. S. Wilson, |
| Robert Enlow, | W. J. Osborne, | J. T. Wilson, |
| M. T. Freeman, | Henry G. Overstreet, | Munnell Wilson, |
| Taylor P. Gabbard, | C. M. Paynter, | Wm. Wilt, |
| W. J. Gooch, | John R. Ray, | J. Hal Woodford, |
| H. H. Griffin, | M. M. Redwine, | W. T. Wright, |
| John C. Griffith, | J. M. Robertson, | James C. Yaden, |
| W. C. Halbert, | Richard S. Rose, | J. A. Yates—72. |

The aforesaid amendment as proposed by the committee was agreed to.

Ordered, that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | John C. Griffith, | Ed. H. Shellman, |
| E. Barry, | Paul Gullion, | R. C. Simmons, |
| Charles C. Beard, | W. C. Halbert, | T. J. Slaton, |
| B. O. Becker, | Albert Hamilton, | Emmet P. Slattery, |
| Roger P. Blair, | J. A. Hamon, | W. W. Smith, |
| H. Kirby Bourne, | C. W. G. Hannah, | W. H. Southall, |
| W. T. Cain, | D. C. Hopper, | John A. Stevens, |
| M. F. Campbell, | W. J. Jackson, | Zeb. A. Stewart, |
| Bennett Clarke, | W. H. Jones, | George W. Stone, |
| Sam. D. Cochran, | Geo. D. Litsey, | C. C. Terry, |
| H. K. Cole, | Henry C. Miller, | C. F. Thornton, |
| W. H. Cole. | J. M. Mitchell, | John B. Wicker, |
| Ed. Croan, | V. W. Morris, | Geo. S. Wilson, |
| Charles I. Dawson, | James S. Morris, | J. T. Wilson, |
| A. L. Denny, | Ed. Mulcahy, | Munnell Wilson, |
| W. Reed Embry, | W. J. Osborne, | Wm. Wilt, |
| Robert Enlow, | John R. Ray, | J. Hal Woodford, |
| M. T. Freeman, | M. M. Redwine, | W. T. Wright, |
| Taylor P. Gabbard, | Richard S. Rose, | James C. Yaden, |
| W. J. Gooch, | J. T. Royalty, | J. A. Yates—62. |
| H. H. Griffin, | J. T. Scott, | |

Those who voted in the negative were—

| | | |
|---|---|---|
| Louis W. Arnett, | Thomas Drewry, | Chris Mueller, |
| John Barr, | J. A. Frazier, | C. M. Paynter, |
| W. G. Baxter, | Lloyd W. Gates, | J. M. Robertson, |
| Peter Best, Jr., | A. J. Gorham, | S. M. Russell, |
| N. B. Chipman, | L. P. Head, | Harry Weitkamp—17. |
| Lawrence J. Diskin, | Wm. F. Klair, | |

Resolved, That the title of said bill be as aforesaid.

Mr. Stewart moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed bills of the following titles, viz.:

(1) S. B. 135. An act appropriating $22,000.00 for a brick building for a workshop in the State Penitentiary, at Frankfort, Kentucky.

(2) S. B. 136. An act appropriating $7,000.00 for the installation of a dust-collecting and cleaning system in the workshops at the State Penitentiary, at Frankfort, Kentucky.

(3) S. B. 137. An act to appropriate money for the erection of a new hospital with suitable tuberculosis wards, operating rooms and other necessary equipments at the State Penitentiary, at Frankfort, Kentucky, and for the equipment of the present hospital for a chapel.

(4) S. B. 138. An act to appropriate $5,000.00 for the erection and equipment of a tuberculosis hospital at the Branch Penitentiary, at Eddyville, Kentucky.

(5) S. B. 139. An act to appropriate $11,000.00 for raising the roof and extending the three sections of the broom shop and one section of the chair shop building, at the State Penitentiary, at Frankfort, Kentucky.

(6) S. B. 245. An act to provide for the location, erection, organization and management in Kentucky of a State sanatorium for the cure and treatment of tuberculosis, and making an appropriation for the purchase of the necessary land and the construction and equipment of necessary buildings, and making an appropriation for the maintenance of the sanatorium.

(7) S. B. 207. An act for the benefit of Hazelrigg and Chenault, permitting them to sue the Commonwealth of Kentucky.

(8) S. B. 262. An act to amend section 350 of the Kentucky Statutes, relating to insurance.

(9) S. B. 263. An act to repeal section 224 of the Kentucky Statutes, relating to insurance.

(10) S. B. 274. An act concerning excavations in cities of the first class.

(11) S. B. 275. An act authorizing the board of directors of banks and trust companies, carrying on business in this State, to fix the hours of opening and closing for business.

Said bills were ordered to be printed, and were by the Speaker referred:

One, two, three, four, five and six, to the Committee on Appropriations.

Seven, to the Committee on Judiciary.

Eight and nine, to the Committee on Insurance.

Ten, to the Committee on Municipalities.

Eleven, to the Committee on Banks and Banking.

That they had passed a bill which originated in the House, of the following title, viz.:

H. B. 37. An act to amend section 1155 of the Kentucky Statutes.

The House took up for consideration, from the calendar, bills of the following titles, viz.:

H. B. 414. An act prohibiting circuit and county court clerks and their deputies from writing deeds and mortgages.

S. B. 287. An act permitting persons to combine or pool their crops of wheat, tobacco and other products and sell same as a whole, and making contracts in pursuance thereof valid.

S. B. 249. An act to regulate the sale of concentrated commercial stuffs, defining same and fixing penalties for violation thereof

Ordered that said bills be read the second time.

The provision of the Constitution as to the second reading of said bills at length being dispensed with, said bills were severally read the second time by their titles.

Ordered that said bills be placed in the orders of the day.

And then the House adjourned until 3 o'clock this afternoon.

## AFTERNOON SESSION.

At 3 o'clock p. m. the House met pursuant to adjournment.

Mr. Shellman, of the Committee on Appropriations, to which the same had been recommitted reported a bill of the following title, viz.:

H. B. 125. An act appropriating funds for the improvement of the Feeble-minded Institute.

Together with an amendment heretofore proposed thereto by the Committee on Charitable Institutions.

Ordered that said bill be read the second time.

The provision of the Constitution as to the second reading of said bill at length being dispensed with, it was read the second time by its title.

Ordered that said bill be placed in the orders of the day.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 99. An act to require owners of dams across certain streams in this Commonwealth to construct and maintain fish ladders on roads across said dams, and providing penalties for failure so to do.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. All persons owning dams constructed across any stream in this Commonwealth, where the annual tides in said streams are not sufficiently high to admit the passage of fish over said dams,

shall be required to erect and maintain over said dams during the months of April, May and June of each year, fish ladders or roads, constructed in such manner as to allow the passage of fish over said dams.

§ 2. This act shall not apply to locks and dams constructed across large rivers to facilitate navigation.

§ 3. Any person violating the provisions of this act, shall, upon conviction thereof, be fined not less than $25 nor more than $100.

§ 4. This act shall take effect within ninety days after the adjournment of this General Assembly.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | W. J. Gooch, | J. T. Royalty, |
| John Barr, | A. J. Gorham, | S. M. Russell, |
| E. Barry, | H. H. Griffin, | Ed. H. Shellman, |
| W. G. Baxter, | John C. Griffith, | R. C. Simmons, |
| Charles C. Beard, | Paul Gullion, | T. J. Slaton, |
| B. O. Becker. | W. C. Halbert, | Emmet P. Slattery, |
| Peter Best, Jr., | Albert Hamilton. | W. W. Smith, |
| Roger P. Blair, | J. A. Hamon, | Hub L. Stevens, |
| W. T. Cain, | C. W. G. Hannah, | John A. Stevens, |
| M. F. Campbell, | W. J. Jackson, | George W. Stone, |
| Bennett Clarke, | L. F. Johnson, | C. C. Terry, |
| Sam. D. Cochran, | W. H. Jones, | A. J. Thompson, |
| H. K. Cole, | Wm. F. Klair, | C. F. Thornton, |
| W. H. Cole, | Virgil McKnight, | Harry Weitkamp, |
| Charles I. Dawson, | M. H. McLean, | John B. Wicker, |
| A. L. Denny, | Chris Mueller, | Geo. S. Wilson, |

| | | |
|---|---|---|
| Lawrence J. Diskin, | J. M. Mitchell, | J. T. Wilson, |
| Thomas Drewry, | James S. Morris, | Munnell Wilson, |
| W. Reed Embry, | Ed. Mulcahy, | Wm. Wilt, |
| Robert Enlow, | C. M. Paynter, | W. T. Wright, |
| J. A. Frazier, | M. M. Redwine, | James C. Yaden, |
| M. T. Freeman, | J. M. Robertson, | J. A. Yates—67. |
| Lloyd W. Gates, | | |

Those who voted in the negative were—

H. Kirby Bourne, Richard S. Rose—2.

Resolved, That the title of said bill be as aforesaid.

Mr. Alverson moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill, entitled

H. B. 488. An act to amend an act, entitled "An act to assign cities and towns of this Commonwealth to the classes to which they belong."

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The cities and towns of the Commonwealth are classified as follows, to-wit:

First Class.—Louisville, Jefferson county.

Second Class.—Lexington, Fayette county; Covington, Kenton county; Newport, Campbell county; Paducah, McCracken county.

Third Class.—Owensboro, Daviess county; Henderson, Henderson county; Frankfort, Franklin county; Bowling Green, Warren county.

Fourth Class.—Hopkinsville, Christian county; Shelbyville, Shelby county; Maysville, Mason county; Richmond, Madison county;

Winchester, Clark county; Dayton, Campbell county; Paris, Bourbon county; Ashland, Boyd county; Catlettsburg, Boyd county; Danville, Boyle county; Mt. Sterling, Montgomery county; Middlesboro, Bell county; Georgetown, Scott county; Versailles, Woodford county; Harrodsburg, Mercer county; Bellevue, Campbell county; Cynthiana, Harrison county; Mayfield, Graves county; Somerset, Pulaski county; Lebanon, Marion county; Ludlow, Kenton county; Nicholasville, Jessamine county; Pineville, Bell county; Madisonville, Hopkins county; Princeton, Caldwell county; Latonia, Kenton county; Fulton, Fulton county; Lawrenceburg, Anderson county; Russellville, Logan county; Carrollton, Carroll county.

Fifth Class.—Lancaster, Garrard county; Cadiz, Trigg county; Grand Rivers, Livingston county; Franklin, Simpson county; Greenville, Muhlenberg county; Elizabethtown, Hardin county; Louisa, Lawrence county; Columbus, Hickman county; Glasgow, Barren county; South Louisville, Jefferson county; West Covington, Kenton county; Earlington, Hopkins county; Hickman, Fulton county; Cloverport, Breckenridge county; Bardstown, Nelson county; Augusta, Bracken county; Stanford, Lincoln county; Williamsburg, Whitley county; Clinton, Hickman county; Midway, Woodford county; Flemingsburg, Fleming county; Barbourville, Knox county; Elkton, Todd county; Falmouth, Pendleton county; Central City, Muhlenberg county; Vanceburg, Lewis county; Morganfield, Union county; Carlisle, Nicholas county; Clay City, Powell county; Uniontown, Union county; Campbellsville, Taylor county; Hawesville, Hancock county; Eminence, Henry county; Parkland, Jefferson county; Eddyville, Lyon county; Leitchfield, Grayson county; Owingsville, Bath county; Murray, Calloway county; Marion, Crittenden county; Providence, Webster county; Sebree City, Webster county; Wickliffe, Ballard county; Morehead, Rowan county; Bardwell, Carlisle county; Pikeville, Pike county; Sturgis, Union county; Dawson Springs, Hopkins county; Millersburg, Bourbon county; Corbin, Whitley and Knox counties; Calhoun, McLean county; Springfield, Washington county; Corydon, Henderson county; Hartford,

Ohio county; Morton's Gap, Hopkins county; Livermore, McLean county; Oakdale, Jefferson county; Beattyville, Lee county; Owenton, Owen county; Scottsville, Allen county; Olive Hill, Carter county; Burnside, Pulaski county; Prestonsburg, Floyd county.

Sixth Class.—All other incorporated towns and cities not named in this bill shall belong to the sixth class (the original section, an act of September 30, 1892, was amended by acts of March 18, 1894; March 17, 1896; June 2, 1897; May 11, 1897; March 15, 1898; March 2, 1898; March —, 1904, transferring cities from one class to another).

§ 2. Whereas, it is necessary for the assigned cities and towns mentioned herein to make their tax levy for this year under the charter of the towns to which they are assigned, an emergency is declared to exist, and this act shall take effect and be in full force and effect from and after its passage and approval by the Governor.

Mr. Slaton offered the following amendment to said bill, viz.:

Amend, by inserting after the words "Carrollton, Carroll county," in the twentieth line of the first section, the words "Central City, Muhlenburg county," and to further amend by striking out of the thirteenth line of that part of the bill headed "Fifth Class" the following words: "Central City, Muhlenberg county."

Said amendment was agreed to.

Mr. Denny offered the following amendment to said bill, viz.:

Amend H. B. No. 488 by adding after the words "Floyd county," in the forty-eighth line thereof, the following: "Monticello, Wayne county."

Said amendment was agreed to.

Mr. Gullion offered an amendment to said bill, viz.:

Amend H. B. No. 488 by adding after the words "Floyd county," in the forty-eighth line of section 1 of said bill, the following words: "Warsaw, Gallatin county."

Said amendment was agreed to.

Mr. Gates offered an amendment to said bill, viz.:

Amend by striking out of line 26, page 2, the words "South Louisville, Jefferson county," and in line 36, page 3, the words "Parkland, Jefferson county."

Said amendment was agreed to.

Mr. Alverson offered an amendment to said bill, viz.:

Amend by adding, after the word "Stanford," in twenty-ninth line, "Hustonville and Crab Orchard."

Said amendment was agreed to.

Mr. Freeman offered an amendment to said bill, viz.:

Amend by striking from said bill the words "Burnside, Pulaski county."

Said amendment was disagreed to.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | H. H. Griffin, | Richard S. Rose, |
| John Barr, | John C. Griffith, | J. T. Royalty, |
| E. Barry, | Paul Gullion, | S. M. Russell, |
| W. G. Baxter, | W. C. Halbert, | J. T. Scott, |
| Charles C. Beard, | Albert Hamilton, | Ed. H. Shellman, |
| B. O. Becker, | J. A. Hamon, | R. C. Simmons, |
| Peter Best, Jr., | C. W. G. Hannah, | T. J. Slaton, |

H. Kirby Bourne,
W. T. Cain,
M. F. Campbell,
N. B. Chipman,
Bennett Clarke,
J. W. Clay,
Sam. D. Cochran,
H. K. Cole,
Ed. Croan,
Charles I. Dawson,
A. L. Denny,
Lawrence J. Diskin,
Thomas Drewry,
Robert Enlow,
J. A. Frazier,
Taylor P. Gabbard,
Lloyd W. Gates,
W. J. Gooch,
A. J. Gorham,
L. P. Head,
W. J. Jackson,
L. F. Johnson,
W. H. Jones,
Wm. F. Klair,
Geo. D. Litsey,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
J. M. Mitchell,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
M. M. Redwine,
J. M. Robertson,
Emmet P. Slattery,
W. W. Smith,
Hub L. Stevens,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
C. C. Terry,
A. J. Thompson,
C. F. Thornton,
Harry Weitkamp,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson,
J. Hal Woodford,
W. T. Wright,
James C. Yaden,
J. A. Yates—76.

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

Mr. McLean moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 282. An act to make uniform the salary paid circuit judges, and to fix the same at $5,000.00 after the 31st day of December, 1909.

Together with an amendment proposed thereto by the committee.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That after the 31st day of December, 1909, the circuit judges of this State shall be paid a uniform salary, which, after said date, shall be five thousand dollars per annum, payable monthly out of the Treasury of the State.

Said amendment is as follows, viz.:

Strike out "five thousand dollars" and insert in lieu thereof "three thousand five hundred dollars."

Mr. Munnell Wilson moved to amend said amendment by striking out "three thousand five hundred" and inserting "four thousand two hundred."

Said motion was disagreed to.

Mr. George S. Wilson moved to amend said amendment by striking out "three thousand five hundred" and inserting in lieu thereof "three thousand six hundred."

Said motion was disagreed to.

Mr. Thornton moved that said bill and amendment lie on the table.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Thompson and Head were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| E. Barry, | H. H. Griffin, | W. J. Osborne, |
| Peter Best, Jr., | John C. Griffith, | C. M. Paynter, |
| H. Kirby Bourne, | Albert Hamilton, | J. T. Scott, |
| N. B. Chipman, | J. A. Hamon, | John A. Stevens, |
| Bennett Clarke. | C. W. G. Hannah, | Zeb. A. Stewart, |
| Ed. Croan, | D. C. Hopper, | George W. Stone, |
| A. L. Denny, | W. J. Jackson, | A. J. Thompson, |
| Robert Enlow, | L. F. Johnson, | C. F. Thornton, |
| M. T. Freeman, | W. H. Jones, | W. T. Wright, |
| Taylor P. Gabbard, | V. W. Morris, | James C. Yaden, |
| W. J. Gooch, | Ed. Mulcahy, | J. A. Yates—33. |

Those who voted in the negative were—

| | | |
|---|---|---|
| Louis W. Arnett, | J. A. Frazier, | J. M. Robertson, |
| John Barr, | Lloyd W. Gates, | Richard S. Rose, |
| W. G. Baxter, | A. J. Gorham, | J. T. Royalty, |
| Charles C. Beard, | Paul Gullion, | S. M. Russell, |
| B. O. Becker, | W. C. Halbert, | Ed. H. Shellman, |
| Roger P. Blair, | L. P. Head, | R. C. Simmons, |
| W. T. Cain, | Wm. F. Klair, | T. J. Slaton, |
| M. F. Campbell, | Geo. D. Litsey, | Emmet P. Slattery, |
| J. W. Clay, | M. H. McLean, | W. W. Smith, |
| W. D. Claybrooke, | Henry C. Miller, | W. H. Southall, |
| Sam. D. Cochran, | R. W. Miller, | Hub L. Stevens, |
| H. K. Cole, | Chris Mueller, | C. C. Terry, |
| W. H. Cole, | J. M. Mitchell, | Harry Weitkamp, |
| Henry M. Cox, | James S. Morris, | John B. Wicker, |
| Charles I. Dawson, | Ion B. Nall, | Geo. S. Wilson, |
| Lawrence J. Diskin, | Henry G. Overstreet, | J. T. Wilson, |
| Thomas Drewry, | M. M. Redwine, | Munnell Wilson—51. |

The said amendment as proposed by the committee was agreed to.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | Taylor P. Gabbard, | J. M. Robertson, |
| John Barr, | Lloyd W. Gates, | Richard S. Rose, |
| W. G. Baxter, | W. J. Gooch, | J. T. Royalty, |
| Charles C. Beard, | A. J. Gorham, | S. M. Russell, |
| B. O. Becker, | H. H. Griffin, | J. T. Scott, |
| Peter Best, Jr., | John C. Griffith, | Ed. H. Shellman, |
| Roger P. Blair, | W. C. Halbert, | R. C. Simmons, |

H. Kirby Bourne,
W. T. Cain,
M. F. Campbell,
N. B. Chipman,
J. W. Clay,
W. D. Claybrooke,
Sam. D. Cochran,
H. K. Cole,
W. H. Cole,
Henry M. Cox,
Charles I. Dawson,
Lawrence J. Diskin,
J. A. Frazier,
L. P. Head,
L. F. Johnson,
W. H. Jones,
Geo. D. Litsey,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
J. M. Mitchell,
James S. Morris,
Ion B. Nall,
Henry G. Overstreet,
M. M. Redwine,
T. J. Slaton,
W. W. Smith,
W. H. Southall,
Hub L. Stevens,
Harry Weitkamp,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson,
J. Hal Woodford,
W. T. Wright,
James C. Yaden—58.

Those who voted in the negative were—

E. Barry,
Bennett Clarke,
Ed. Croan,
A. L. Denny,
Thomas Drewry,
Robert Enlow,
Albert Hamilton,
J. A. Hamon,
C. W. G. Hannah,
D. C. Hopper,
W. J. Jackson,
Wm. F. Klair,
H. M. McCarty,
Chris Mueller,
V. W. Morris,
Ed. Mulcahy,
W. J. Osborne,
C. M. Paynter,
John R. Ray,
Emmet P. Slattery,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
C. C. Terry,
A. J. Thompson,
C. F. Thornton—26.

An act to make uniform the salary paid circuit court judges and to fix the same at three thousand five hundred dollars per annum after the thirty-first day of December, 1909.

Mr. Hannah moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 402. An act to amend an act, entitled "An act to establish a public school in Morganfield, in Union county, Kentucky," approved April 19, 1886.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1 of an act, entitled "An act to establish a public school in Morganfield, in Union county, Kentucky," approved April 19, 1886, be, and is, so amended as to include in said public school district all the lands of H. P. Hopgood, consisting of 180 acres, more or less, adjacent to the southwest side of said district, and being the lands conveyed to said H. P. Hopgood by D. T. Hopgood on the 1st day of January, 1903, by deed recorded in Union county clerk's office, in deed book 56, at page 546.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

John Barr,
E. Barry,
W. G. Baxter,
Charles C. Beard,
B. O. Becker,
Peter Best, Jr.,
H. Kirby Bourne,
W. T. Cain,
M. F. Campbell,
N. B. Chipman,
Bennett Clarke,
J. W. Clay,
W. D. Claybrooke,
Sam. D. Cochran,
H. K. Cole,
Lloyd W. Gates,
W. J. Gooch,
A. J. Gorham,
H. H. Griffin,
John C. Griffith,
Albert Hamilton,
J. A. Hamon,
C. W. G. Hannah,
L. P. Head,
D. C. Hopper,
L. F. Johnson,
Wm. F. Klair,
Geo. D. Litsey,
M. H. McLean,
R. W. Miller,
John R. Ray,
M. M. Redwine,
J. M. Robertson,
Richard S. Rose,
J. T. Royalty,
S. M. Russell,
J. T. Scott,
Ed. H. Shellman,
R. C. Simmons,
T. J. Slaton,
Emmet P. Slattery,
W. W. Smith,
Hub L. Stevens,
John A. Stevens,
Zeb. A. Stewart,

W. H. Cole,
Ed. Croan,
Charles I. Dawson,
A. L. Denny,
Thomas Drewry,
J. A. Frazier,
M. T. Freeman,
Taylor P. Gabbard,
Chris Mueller,
J. M. Mitchell,
James S. Morris,
Ion B. Nall,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
C. C. Terry,
Harry Weitkamp,
Geo. S. Wilson,
J. T. Wilson,
J. Hal Woodford,
W. T. Wright,
J. A. Yates—67.

Those who voted in the negative were—

W. J. Jackson,
A. J. Thompson—2.

Resolved, That the title of said bill be as aforesaid.

Mr. George S. Wilson moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 280. An act qualifying the risks to be deemed as assumed by employes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In an action brought by an employe, or his legal representative, against his employer, to recover for personal injuries, when it shall appear that the injury was caused in whole or in part by the omission of such employer to guard or protect his machinery or appliances, or the premises or place where said employe was employed, in the manner required by any statute, penal or otherwise, of the State or of the United States, or by the ordinance of any municipal corporation, in force at the time of the infliction of such injuries, the fact that such employe continued in said employment with knowledge of such omission, shall not operate as a de-

fense, or be construed as an assumption of the risk of such omission.

§ 2. Nothing herein contained shall be construed as affecting the defense of contributory negligence, nor the admissibility of evidence competent to support such defense, but the fact that such employe continued in such employment with knowledge of such omission shall in nowise be construed as contributory negligence.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | J. A. Hamon, | John R. Ray, |
| John Barr, | C. W. G. Hannah, | M. M. Redwine, |
| Charles C. Beard, | L. P. Head, | J. M. Robertson, |
| H. Kirby Bourne, | D. C. Hopper, | Richard S. Rose, |
| Bennett Clarke, | W. J. Jackson, | J. T. Royalty, |
| J. W. Clay, | L. F. Johnson, | S. M. Russell, |
| W. D. Claybrooke, | Geo. D. Litsey, | Ed. H. Shellman, |
| H. K. Cole, | H. M. McCarty, | R. C. Simmons, |
| Ed. Croan, | M. H. McLean, | T. J. Slaton, |
| Charles I. Dawson, | R. W. Miller, | W. W. Smith, |
| Lawrence J. Diskin, | J. M. Mitchell, | W. H. Southall, |
| Thomas Drewry, | V. W. Morris, | Hub L. Stevens, |
| Robert Enlow, | James S. Morris, | John A. Stevens, |
| J. A. Frazier, | Ed. Mulcahy, | Zeb. A. Stewart, |
| Lloyd W. Gates, | Ion B. Nall, | C. C. Terry, |
| W. J. Gooch, | W. J. Osborne, | Harry Weitkamp, |
| A. J. Gorham, | Henry G. Overstreet, | Geo. S. Wilson, |
| H. H. Griffin, | C. M. Paynter, | J. T. Wilson—29. |
| John C. Griffith, | | |

Those who voted in the negative were—

| | | |
|---|---|---|
| W. G. Baxter, | N. B. Chipman, | Chris Mueller, |
| Peter Best, Jr., | W. H. Cole, | A. J. Thompson, |
| W. T. Cain, | Albert Hamilton, | W. T. Wright—9. |

Resolved, That the title of said bill be as aforesaid.

Mr. Simmons moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 305. An act to amend section 4300 of the Kentucky Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter 110, article 1, of the Kentucky Statutes, and being section 4300 of the Kentucky Statutes, be, and the same is hereby, amended, as follows: By adding to said section the following: "Or to any suitable person selected by the county court, and for such purpose he may designate and allot any or all of the road hands living within one and one-half miles of any point on said road to aid and assist in opening or altering same," so that said section when amended shall read as follows:

"Sec. 4300. After any such road or alteration thereof has been established, the court shall cause an order to be issued, directing said roads to be opened or altered, as the case may be, in conformity to the commissioner's report. Said order shall be directed to the county supervisor of roads, if there be one; if not, then to the overseer of roads for the district in which said road, or the greater part thereof, is located, or to any suitable person selected by the county court; and for such purpose he may designate and allot any

or all of the road hands living within one and one-half miles of any point on said road to aid and assist in opening or altering same."

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | J. A. Frazier, | V. W. Morris, |
| John Barr, | Taylor P. Gabbard, | James S. Morris, |
| W. G. Baxter, | Lloyd W. Gates, | Ed. Mulcahy, |
| Charles C. Beard, | W. J. Gooch, | W. J. Osborne, |
| B. O. Becker, | A. J. Gorham, | C. M. Paynter, |
| H. Kirby Bourne, | H. H. Griffin, | John R. Ray, |
| W. T. Cain, | John C. Griffith, | J. M. Robertson, |
| M. F. Campbell, | Paul Gullion, | Richard S. Rose, |
| N. B. Chipman, | W. C. Halbert, | J. T. Royalty, |
| Bennett Clarke, | Albert Hamilton, | S. M. Russell, |
| J. W. Clay, | C. W. G. Hannah, | Ed. H. Shellman, |
| W. D. Claybrooke, | D. C. Hopper, | T. J. Slaton, |
| Sam. D. Cochran, | W. J. Jackson, | Emmet P. Slattery. |
| H. K. Cole, | L. F. Johnson, | W. W. Smith, |
| W. H. Cole, | W. H. Jones, | Zeb. A. Stewart, |
| Ed. Croan, | Geo. D. Litsey, | C. C. Terry, |
| Charles I. Dawson, | H. M. McCarty, | Harry Weitkamp, |
| Lawrence J. Diskin, | Chris Mueller, | Geo. S. Wilson, |
| Thomas Drewry, | J. M. Mitchell, | J. T. Wilson—58. |

In the negative—A. J. Thompson.

Resolved, That the title of said bill be as aforesaid.

Mr. Stewart moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day, a bill, entitled

H. Res. 19. Resolution providing books for the thirty-first, thirty-second and thirty-third judicial districts of Kentucky.

Said bill is as follows, viz.:

Whereas, As all the circuit court districts in this Commonwealth have been furnished the Kentucky Reports of the reported decisions of the Court of Appeals, except the 31st, 32d and 33d districts; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the State Librarian be, and is hereby, authorized and directed to furnish to each of the circuit judges of the 31st, 32d and 33d judicial districts of Kentucky one set each of the Kentucky Reports and Barbour's Digest (latest edition); said books to be held by said judges during their term of office, and turned over to their successors in office.

2. The Librarian will furnish to the Auditor of Public Accounts an itemized account of the cost of said books, and the Auditor will draw his warrant upon the Treasurer of this Commonwealth, payable out of any money not otherwise appropriated, and payable to the librarian, for the cost of said books.

Ordered that said resolution be read the third time.

The provision of the Constitution as to the third reading of said resolution at length being dispensed with, said resolution was read the third time by its title.

The question being taken on the adoption of said resolution it was decided in the negative.

The yeas and nays being taken on the adoption of said resolu-

tion in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | W. J. Gooch, | J. M. Robertson, |
| John Barr, | A. J. Gorham, | Richard S. Rose, |
| W. G. Baxter, | H. H. Griffin, | S. M. Russell, |
| B. O. Becker, | L. F. Johnson, | Ed. H. Shellman, |
| N. B. Chipman, | Wm. F. Klair, | R. C. Simmons, |
| Bennett Clarke, | Geo. D. Litsey, | T. J. Slaton, |
| J. W. Clay, | Chris Mueller, | W. W. Smith, |
| Sam. D. Cochran, | J. M. Mitchell, | W. H. Southall, |
| Ed. Croan, | James S. Morris, | Zeb. A. Stewart, |
| Charles I. Dawson, | Ion B. Nall, | C. C. Terry, |
| Lawrence J. Diskin, | W. J. Osborne, | Geo. S. Wilson, |
| J. A. Frazier, | M. M. Redwine, | W. T. Wright—38. |
| Taylor P. Gabbard, | | |

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Peter Best, Jr., | M. T. Freeman, | Ed. Mulcahy, |
| H. Kirby Bourne, | J. A. Hamon, | C. M. Paynter, |
| W. T. Cain, | C. W. G. Hannah, | John R. Ray, |
| M. F. Campbell, | D. C. Hopper, | J. T. Royalty, |
| H. K. Cole, | W. J. Jackson, | John A. Stevens, |
| Thomas Drewry, | V. W. Morris, | A. J. Thompson—12. |

And so said resolution was disagreed to.

And then the House adjourned until 7:30 o'clock this evening.

## NIGHT SESSION.

At 7:30 p. m. the House met pursuant to adjournment.

The House took up for consideration from the orders of the day a bill, entitled

H. B. 228. An act to amend section 2721 of Kentucky Statutes, entitled "Mills."

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 2721 of Kentucky Statutes be amended by striking said section and insert in lieu thereof the following:

"Section 2721. Every owner or occupier of a mill grinding meal, flour, bread stuff, feed or otherwise, shall keep therein and use sealed measures of half bushel and peck, and toll dish sealed, and shall measure all grain by strike measure or weight, under a penalty of five dollars for every such failure, recoverable, with cost, before a justice of the peace, for the use and benefit of the common school fund in the district where the mill is located.

"Every miller shall well and sufficiently grind or manufacture the grain brought to his or their mill for the consumption of the person bringing or sending in due time, and in the order that the same shall be brought, giving the preference only to what may be necessary for his own family use.

"He or they may take for toll one-eighth, and no more, directly or indirectly, of all grain ground or manufactured on or exchanged in a water mill; and one-seventh part, and no more, directly or indirectly, of all grain ground or manufactured on or exchanged in a steam, gasoline or any other power mill other than a water mill. For any violation of these rules as to time, order or quality of grinding or manufacturing, or as to the amount of toll taken or demanded, the owners or occupiers of the mill shall forfeit ten dollars to the party injured, recoverable, with costs, before a justice of the peace."

§ 2. All laws and parts of law in conflict with this law are hereby repealed. This law shall take effect ninety days after its passage.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | W. J. Gooch, | W. J. Osborne, |
| John Barr, | A. J. Gorham, | Henry G. Overstreet, |
| W. G. Baxter, | H. H. Griffin, | C. M. Paynter, |
| Charles C. Beard, | John C. Griffith, | M. M. Redwine, |
| B. O. Becker, | B. P. Grigsby, Sr., | J. M. Robertson, |
| Peter Best, Jr., | Paul Gullion, | Richard S. Rose, |
| Roger P. Blair, | W. C. Halbert, | J. T. Royalty, |
| H. Kirby Bourne, | Albert Hamilton, | Ed. H. Shellman, |
| W. T. Cain, | C. W. G. Hannah, | R. C. Simmons, |
| M. F. Campbell, | L. P. Head, | Emmet P. Slattery, |
| Bennett Clarke, | D. C. Hopper, | W. W. Smith, |
| J. W. Clay, | W. J. Jackson, | W. H. Southall, |
| W. D. Claybrooke, | L. F. Johnson, | John A. Stevens, |
| Sam. D. Cochran, | Wm. F. Klair, | Zeb. A. Stewart, |
| H. K. Cole, | Geo. D. Litsey, | A. J. Thompson, |
| W. H. Cole, | H. M. McCarty, | C. F. Thornton, |
| Henry M. Cox, | Henry C. Miller, | Harry Weitkamp, |
| Ed. Croan, | R. W. Miller, | T. A. Weldon, |
| Charles I. Dawson, | Chris Mueller, | W. T. White, |
| Lawrence J. Diskin, | V. W. Morris, | Geo. S. Wilson, |
| Thomas Drewry, | James S. Morris, | J. Hal Woodford, |
| J. A. Frazier, | Ed. Mulcahy, | James G. Yaden—68. |
| M. T. Freeman, | Ion B. Nall, | |

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

Mr. Arnett moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 345. An act to amend section 20 of article 4, of an act entitled "An act for the government of cities of the second class in the Commonwealth of Kentucky."

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 20, of article 4, of an act entitled "An act for the government of cities of the second class in the Commonwealth of Kentucky," approved March 19, 1894, being section 3094, Kentucky Statutes, be, and the same hereby is, amended, so that said section when amended shall read as follows:

"The general council shall have and exercise exclusive control and power over the streets, roadways, sidewalks, alleys, landings, wharves, public grounds and highways of the city; to establish, open, alter, widen, extend, close, grade, pave, repave, clean and keep in repair the same; to prevent and remove all encroachments thereon or obstructions thereof; to put drains and sewers in the same, and to regulate and prohibit the building of vaults and areas under sidewalks; to enforce and regulate connection with sewers, gas and water mains and conduits of all kinds laid in or under the streets and highways of the city for any purpose. The general council may, by ordinance, prescribe certain sprinkling districts and have the streets and avenues thereof sprinkled by the lowest and best bidder, assessing the cost thereof against the adjoining property per front foot.

"Upon the adoption of an ordinance by the general council authorizing and directing the closing of the whole or any portion of a street or alley or other public highway within the limits or jurisdiction of the city, it shall be the duty of the city solicitor to institute an action in the circuit court for the purpose of having the same closed, and to such action all the owners of ground in the squares or lots divided by such street, alley or highway, or the portion thereof proposed to be closed, shall be made defendants; and if all of such defendants are competent to act for themselves and

fail to object to the closing prayed for, then the court shall render a decree accordingly; but if any of said defendants object, or are under disability other than coverture, the court shall empanel a jury, which shall hear evidence and determine the amount of compensation in the form of damages to be paid to each of such defendants. The court shall thereupon direct that said street, alley or other highway be closed upon payment to each of such defendants of the amount of damages awarded to him, or, if any defendant refuses to accept such payment or be for any reason unable to do so, upon payment into court of the amount awarded such defendant or defendants.

It shall be the duty of the court to give such proceedings the same precedence over other cases as is provided by law with regard to proceedings to test the validity of ordinances of cities of the second class.

"Sec. 2. Inasmuch as there is at present no method prescribed by law for the closing of public streets, alleys and highways in cities of the second class, and it is desirable, in view of public improvements in such cities that the procedure in such cases be prescribed at once, an emergency is hereby declared to exist, and this act shall take effect from its passage and approval."

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | John C. Griffith, | Ion B. Nall, |
| John Barr, | B. P. Grigsby, Sr., | W. J. Osborne, |
| W. G. Baxter, | Paul Gullion, | Henry G. Overstreet, |
| Charles C. Beard, | Albert Hamilton, | C. M. Paynter, |

| | | |
|---|---|---|
| B. O. Becker, | C. W. G. Hannah, | M. M. Redwine, |
| Roger P. Blair, | L. P. Head, | J. M. Robertson, |
| H. Kirby Bourne, | D. C. Hopper, | Richard S. Rose, |
| J. W. Clay, | W. J. Jackson, | Ed. H. Shellman, |
| W. D. Claybrooke, | L. F. Johnson, | R. C. Simmons, |
| Sam. D. Cochran, | W. H. Jones, | Emmet P. Slattery, |
| H. K. Cole, | Wm. F. Klair, | W. W. Smith, |
| Ed. Croan, | Geo. D. Litsey, | W. H. Southall, |
| Charles I. Dawson, | H. M. McCarty, | John A. Stevens, |
| Lawrence J. Diskin, | Henry C. Miller, | Zeb. A. Stewart, |
| Thomas Drewry, | R. W. Miller, | A. J. Thompson, |
| J. A. Frazier, | Chris. Mueller, | C. F. Thornton, |
| M. T. Freeman, | J. M. Mitchell, | W. T. White, |
| W. J. Gooch, | V. W. Morris, | Geo. S. Wilson, |
| A. J. Gorham, | James S. Morris, | W. T. Wright, |
| H. H. Griffin, | Ed. Mulcahy, | James G. Yaden—60. |

Those who voted in the negative were—

| | | |
|---|---|---|
| Peter Best, Jr., | W. T. Cain, | W. H. Cole—3. |

Resolved, That the title of said bill be as aforesaid.

Mr. Klair moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 250. An act appropriating money for industrial training for colored persons and for completing girls' dormitory and providing water for ordinary use and fire protection at Kentucky Normal Industrial Institute.

Together with an amendment proposed thereto by the committee.

Said bill is as follows, viz.:

Whereas, this Commonwealth, actuated by the welfare of its colored citizens and the people in general, has established at Frank-

fort a Normal and Industrial Institute for Colored Persons, which institution is doing a well approved work; and,

Whereas, a dormitory for girls has stood for two years in an unfinished, uninhabitable condition awaiting means for its completion with safer plan of heating and lighting than lamps, stoves and grates; and,

Whereas, the water supply of the school is inadequate for ordinary purposes, and no protection whatever is offered the buildings against fire; and,

Whereas, the State appropriates nothing to this institution or elsewhere for the industrial training of its colored youth, and nowhere in the State has the negro youth an opportunity to learn useful trades; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of ten thousand dollars per annum be appropriated to the Kentucky Normal and Industrial Institute for Colored Persons from any funds in the Treasury not otherwise appropriated, for the accomplishment of the aforementioned purposes, to-wit, the completion of girls' dormitory with satisfactory and economical plan of heating and lighting; the providing of water for ordinary use and for fire protection; the providing for industrial training to the end that the colored youth of the Commonwealth may be trained into industrious habits and useful trades—as the trustees of the institution may, in their wisdom, decide best and most practical.

Said amendment is as follows, viz.:

Strike out the words $10,000.00 per annum," and insert in lieu thereof "$20,000.00."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of

said bill at length being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | A. J. Gorham, | C. M. Paynter, |
| John Barr, | H. H. Griffin, | J. M. Robertson, |
| W. G. Baxter, | John C. Griffith, | Richard S. Rose, |
| B. O. Becker, | B. P. Grigsby, Sr., | J. T. Royalty, |
| Peter Best, Jr., | Albert Hamilton, | S. M. Russell, |
| H. Kirby Bourne, | C. W. G. Hannah, | R. C. Simmons, |
| W. T. Cain, | L. P. Head, | T. J. Slaton, |
| M. F. Campbell, | D. C. Hopper, | Emmet P. Slattery, |
| Bennett Clarke, | L. F. Johnson, | W. W. Smith, |
| J. W. Clay, | W. H. Jones, | W. H. Southall, |
| W. D. Claybrooke, | Wm. F. Klair, | John A. Stevens, |
| H. K. Cole, | H. M. McCarty, | A. J. Thompson, |
| W. H. Cole, | Virgil McKnight, | C. F. Thornton, |
| Charles I. Dawson, | M. H. McLean, | Harry Weitkamp, |
| A. L. Denny, | Henry C. Miller, | T. A. Weldon, |
| Lawrence J. Diskin, | R. W. Miller, | W. T. White, |
| Thomas Drewry, | Chris Mueller, | Geo. S. Wilson, |
| J. A. Frazier, | V. W. Morris, | J. Hal Woodford, |
| Taylor P. Gabbard, | James S. Morris, | W. T. Wright, |
| Lloyd W. Gates, | Ion B. Nall, | Jas. C. Yaden—61. |
| W. J. Gooch, | W. J. Osborne, | |

Those who voted in the negative were—

| | | |
|---|---|---|
| Ed. Croan, | Henry G. Overstreet, | Zeb. A. Stewart, |
| W. J. Jackson, | M. M. Redwine, | John B. Wicker—6. |

Resolved, That the title of said bill be as aforesaid.

Mr. Johnson moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 251. An act to amend an act relating to courts of justice, changing the terms of court in all the counties of the fourteenth judicial district.

Together with an amendment thereto, as a substitute therefor, proposed by the committee.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 965 of the Kentucky Statutes, in so far as it relates to the Fourteenth Circuit Court District, be, and the same is hereby, amended, by striking from said section all that part which relates to the time of holding courts in the Fourteenth Circuit Court District, and insert in lieu thereof the following:

Fourteenth District, Franklin county, at Frankfort, fourth Monday in January, 30 juridical days; first Monday in May, 24 juridical days, and fourth Monday in September, 36 juridical days.

Woodford county, at Versailles, first Mondays in March and June and second Monday in November, 12 juridical days each.

Scott county, at Georgetown, first Mondays in January and September, and second Monday in April, 18 juridical days each.

Bourbon county, at Paris, third Mondays in March and June and fourth Monday in November, 18 juridical days each.

Said substitute is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 965 of the Kentucky Statutes, in so far as it relates to the Fourteenth Circuit Court District, be, and the same is hereby, amended, by striking from said section all that part which

relates to the time of holding courts in the Fourteenth Circuit Court District, and insert in lieu thereof the following:

Fourteenth District, Franklin county, at Frankfort, second Monday in February, 30 juridical days; third Monday in May, 24 juridical days; second Monday in October, 36 juridical days.

Woodford county, at Versailles, fourth Mondays in January and September, 12 juridical days each; first Monday in May, 12 juridical days.

Scott county, at Georgetown, first Mondays in January and September, and second Monday in April, 18 juridical days each.

Bourbon county, at Paris, third Mondays in March and June and fourth Monday in November, 18 juridical days each.

Said substitute was agreed to.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | H. H. Griffin, | Ed. H. Shellman, |
| John Barr, | Albert Hamilton, | R. C. Simmons, |
| W. G. Baxter, | L. P. Head, | T. J. Slaton, |
| B. O. Becker, | L. F. Johnson, | W. W. Smith, |
| Peter Best, Jr., | Geo. D. Litsey, | W. H. Southall, |
| H. Kirby Bourne, | Henry C. Miller, | John A. Stevens, |
| Bennett Clarke, | Chris Mueller, | Zeb. A. Stewart, |
| J. W. Clay, | V. W. Morris, | George W. Stone, |
| H. K. Cole, | James S. Morris, | T. A. Weldon, |
| Ed. Croan, | Ion B. Nall, | W. T. White, |
| Charles I. Dawson, | M. M. Redwine, | John B. Wicker, |
| A. L. Denny, | J. M. Robertson, | Geo. S. Wilson, |
| Thomas Drewry, | Richard S. Rose, | James C. Yaden, |
| W. J. Gooch, | S. M. Russell, | Speaker Lawrence—42 |

Those who voted in the negative were—

| | | |
|---|---|---|
| Charles C. Beard, | B. P. Grigsby, Sr., | Henry G. Overstreet, |
| W. T. Cain, | Paul Gullion, | C. M. Paynter, |
| M. F. Campbell, | W. C. Halbert, | John R. Ray, |
| N. B. Chipman, | C. W. G. Hannah, | J. T. Royalty, |
| W. D. Claybrooke, | D. C. Hopper, | Emmet P. Slattery, |
| Sam. D. Cochran, | W. J. Jackson, | A. J. Thompson, |
| W. H. Cole, | W. H. Jones, | C. F. Thornton, |
| Lawrence J. Diskin, | Virgil McKnight, | Harry Weitkamp, |
| J. A. Frazier, | M. H. McLean, | J. Hal Woodford, |
| M. T. Freeman, | Ed. Mulcahy, | W. T. Wright—32. |
| A. J. Gorham, | W. J. Osborne, | |

Resolved, That the title of said bill be as aforesaid.

Mr. Johnson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 194. An act to amend and re-enact sections 1784 and 1785, Kentucky Statutes, chapter 48, title "Fences."

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sections 1784 and 1785, Kentucky Statutes, be amended by adding immediately next after the last word in section 1785, the words, "and to secure the collection of the cost mentioned in this and the preceding section, the owner so building or repairing shall have a lien on the land enclosed by said fence equal to a mortgage lien, against which the homestead exemption shall not prevail," so that said sections as amended and re-enacted shall read as follows, to-wit:

"§ 1784. When a division fence is desirable, or is made neces-

sary by the division of improved or inclosed lands, or when no fund or no division fence exists between the improved or enclosed lands of adjoining owners, or lands when the right of way is owned by one party, either party may, after he has built a lawful fence upon his proportion of line, require the other party to erect a lawful fence out of planks, rails, wire or wire and planks upon his proportion of the line; but no barbed wire shall be used without the consent of both parties to the fence; and if he fail so to do, after three months' notice, in writing, may erect such fence and recover from the recusant the cost thereof. But the provisions of this section shall not apply where the party who erects the fence has received compensation for fencing his entire line or where written agreements concerning the fencing have been entered into. But nothing herein shall be construed to conflict with an act requiring railroad corporations, and other persons operating and controlling railroads, and land owners to fence their right of way and railroad track, and to construct barriers and cattle guards at certain public roads and highway crossings, and to maintain and keep the same in repair, and prescribing remedies and penalties for failing to do so, approved August fifth, one thousand eight hundred and ninety-two, that no barbed wire shall be used by any one in construction of a division fence, except by the consent of both parties to the fence.

"§ 1785. If one part owner of a division fence shall fail, after reasonable notice, in writing, to repair the same as far as is needful and proper, the other part owner may proceed to repair the same, and recover from the recusant the cost of the repairs, and to secue the collection of the cost mentioned in this and the preceding section, the owner so building or repairing shall have a lien on the land enclosed by said fence equal to a mortgage lien, against which the homestead exemption shall not prevail."

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | A. J. Gorham, | Henry G. Overstreet, |
| John Barr, | H. H. Griffin, | C. M. Paynter, |
| W. G. Baxter, | John C. Griffith, | John R. Ray, |
| Charles C. Beard, | B. P. Grigsby, Sr., | M. M. Redwine, |
| B. O. Becker, | Paul Gullion, | J. M. Robertson, |
| H. Kirby Bourne, | Albert Hamilton, | Richard S. Rose, |
| M. F. Campbell, | C. W. G. Hannah, | J. T. Royalty, |
| N. B. Chipman, | L. P. Head, | S. M. Russell, |
| Bennett Clarke, | L. F. Johnson, | R. C. Simmons, |
| J. W. Clay, | W. H. Jones, | T. J. Slaton, |
| W. D. Claybrooke, | Wm. F. Klair, | Emmet P. Slattery, |
| Sam. D. Cochran, | H. M. McCarty, | John A. Stevens, |
| H. K. Cole, | Virgil McKnight, | Zeb. A. Stewart, |
| Ed. Croan, | M. H. McLean, | George W. Stone, |
| Charles I. Dawson, | Henry C. Miller, | A. J. Thompson, |
| Lawrence J. Diskin, | R. W. Miller, | C. F. Thornton, |
| Thomas Drewry, | Chris Mueller, | Harry Weitkamp, |
| Robert Enlow, | J. M. Mitchell, | W. T. White, |
| J. A. Frazier, | V. W. Morris, | John B. Wicker, |
| M. T. Freeman, | James S. Morris, | Geo. S. Wilson, |
| Taylor P. Gabbard, | Ed. Mulcahy, | J. Hal Woodford, |
| Lloyd W. Gates, | Ion B. Nall, | W. T. Wright—68. |
| W. J. Gooch, | W. J. Osborne, | |

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

Mr. Thornton moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 450. An act to amend section 612a of the Kentucky Statutes relative to banks and trust companies, and to re-enact the same as amended.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 612a of the Kentucky Statutes be amended as follows, viz.:

By striking out the beginning and the following part of said section, viz.: "That in counties having a population of less than one hundred thousand," and said section as so amended shall then read and be re-enacted as follows, viz.:

"§ 1. Any number of persons, not less than seven, may associate to establish a corporation for the purpose of conducting, and it may conduct, both a banking business and a trust company business. The capital stock of such corporation shall not be less than fifty thousand dollars ($50,000), the whole of which shall be subscribed and paid in money before said corporation shall commence business, except that in such cases when the capital stock subscribed shall equal or exceed one hundred thouand dollar ($100,000), then at leat one-half thereof shall be paid in money before commencing business, and the remainder shall be paid in within twelve months thereafter. One-half of such capital stock shall be securely invested for the trust business of the corporation, and shall at all times be kept separate and distinct from its other assets, and shall be primarily liable for its fiduciary obligations. The remainder of the capital stock of the corporation may be used in its business of banking, and its books shall be so kept as to show separately, at all time, the conditions of its banking business and the condition of its trust business."

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said

bill at length being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Louis W. Arnett,
John Barr,
W. G. Baxter,
Charles C. Beard,
B. O. Becker,
Peter Best, Jr.,
H. Kirby Bourne,
W. T. Cain,
M. F. Campbell,
N. B. Chipman,
Bennett Clarke,
J. W. Clay,
W. D. Claybrooke,
Sam. D. Cochran,
H. K. Cole,
W. H. Cole,
Henry M. Cox,
Ed. Croan,
Charles I. Dawson,
A. L. Denny,
Lawrence J. Diskin,
Thomas Drewry,
Robert Enlow,
J. A. Frazier,
Taylor P. Gabbard,
Lloyd W. Gates,
W. J. Gooch,
A. J. Gorham,
H. H. Griffin,
John C. Griffith,
B. P. Grigsby, Sr.,
Paul Gullion,
W. C. Halbert,
C. W. G. Hannah,
D. C. Hopper,
L. F. Johnson,
W. H. Jones,
Wm. F. Klair,
Geo. D. Litsey,
H. M. McCarty,
Virgil McKnight,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
Chris Mueller,
J. M. Mitchell,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
John R. Ray,
J. M. Robertson,
Richard S. Rose,
J. T. Royalty,
Ed. H. Shellman,
R. C. Simmons,
T. J. Slaton,
Emmet P. Slattery,
W. W. Smith,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
A. J. Thompson,
C. F. Thornton,
Harry Weitkamp,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
W. T. Wright—70.

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

Mr. Robertson moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 284. An act to amend article 1, of chapter 110, of Kentucky Statutes, Carroll's edition of 1903, entitled "Roads and Passways," providing that fiscal courts may prescribe amount of work, lawful road hands who own teams are required to do duty of overseers, and punishment for failure of hands or overseers to do their duty as prescribed by the act.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in all counties of the Commonwealth where the militia is required in whole or in part, to maintain the public roads of the county, the fiscal court may, by order entered of record, require all persons and corporations owning or controlling a team or teams of horses or mules to place said team or teams on the public roads of the county equipped with gearing and wagon, scraper, plow or other implement, in charge of some able and competent person, to do service in building and repairing the public roads as may be directed by the overseer of the road precinct, but no team shall be required to do more than two days' labor in any one week or more than ten days' labor in any one calendar year. Eight hours shall constitute a day's work. Any person may have the privilege of substituting another team of equal power and service for any team he may own or control with the consent of the overseer of the precinct.

The fiscal court of the county may prescribe rules regulating the amount of work teams of the different grades may be required to perform within the above limits, having due regard to the difference between teams which are used to haul for hire over the public roads and those which are used only for domestic purposes.

The overseer shall give to each person or corporation owning or controlling a team or teams at least two days' notice of the time

and place at which the services shall be required, and upon the failure of such person or corporation to furnish the team or teams provided with suitable gearing and some implement designated by the overseer and do good work, he shall be deemed guilty of a misdemeanor, and upon conviction upon a warrant before the judge of the county court, be fined not less than five dollars nor more than twenty-five dollars for each day's failure.

Any team or teams or any animal belonging thereto shall be deemed to be in lien to the Commonwealth for thirty days after judgment, to satisfy the fine, interest and costs of the prosecution.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Louis W. Arnett,
W. G. Baxter,
B. O. Becker,
M. F. Campbell,
Bennett Clarke,
J. W. Clay,
H. K. Cole,
Charles I. Dawson,
A. L. Denny,
Thomas Drewry,
Taylor P. Gabbard,
Lloyd W. Gates,
H. H. Griffin,
John C. Griffith,
B. P. Grigsby, Sr.,
W. C. Halbert,
Albert Hamilton,
C. W. G. Hannah,
L. P. Head,
D. C. Hopper,
L. F. Johnson,
W. H. Jones,
Wm. F. Klair,
Virgil McKnight,
M. H. McLean,
R. W. Miller,
Chris Mueller,
V. W. Morris,
James S. Morris,
Ed. Mulcahy,
W. J. Osborne,
C. M. Paynter,
J. M. Robertson,
Richard S. Rose,
J. T. Royalty,
S. M. Russell,
R. C. Simmons,
Emmet P. Slattery,
W. W. Smith,
George W. Stone,
Harry Weitkamp,
W. T. White,
Geo. S. Wilson,
J. Hal Woodford,
W. T. Wright,
James G. Yaden—46.

Those who voted in the negative were—

| | | |
|---|---|---|
| Peter Best, Jr., | Robert Enlow, | John R. Ray, |
| H. Kirby Bourne, | J. A. Frazier, | T. J. Slaton, |
| W. T. Cain, | A. J. Gorham, | John A. Stevens, |
| Sam. D. Cochran, | W. J. Jackson, | Zeb. A. Stewart, |
| W. H. Cole, | Geo. D. Litsey, | C. F. Thornton, |
| Ed. Croan, | Ion B. Nall, | T. A. Weldon—18. |

Resolved, That the title of said bill be as aforesaid.

Mr. Rose moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 364. An act to amend section 3290 of chapter 89, of Kentucky Statutes, relative to third class cities—legislative department.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section three thousand two hundred and ninety, of article 4, chapter 89, Kentucky Statutes, 1903, edited and compiled by John D. Carroll, be amended by adding thereto a subsection as follows, to-wit:

"Sec. 41. To provide for sprinkling the streets and public ways of said cities by employes of the city, or by contract, and to assess the cost thereof by the front foot against the lots and grounds abutting thereon, and the same and cost of assessment shall be a lien on the abutting propery, to be collected by the city tax collector in the same manner as city taxes, and may divide cities into sprinkling districts if deemed necessary."

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | W. J. Gooch, | C. M. Paynter, |
| John Barr, | A. J. Gorham, | M. M. Redwine, |
| W. G. Baxter, | B. P. Grigsby, Sr., | J. M. Robertson, |
| B. O. Becker, | Albert Hamilton, | Richard S. Rose, |
| H. Kirby Bourne, | C. W. G. Hannah, | J. T. Royalty, |
| M. F. Campbell, | L. P. Head, | S. M. Russell, |
| Bennett Clarke, | W. H. Jones, | R. C. Simmons, |
| J. W. Clay, | Wm. F. Klair, | T. J. Slaton, |
| W. D. Claybrooke, | H. M. McCarty, | Emmet P. Slattery, |
| Sam. D. Cochran, | Virgil McKnight, | W. W. Smith, |
| H. K. Cole, | M. H. McLean, | John A. Stevens, |
| Charles I. Dawson, | Henry C. Miller, | Zeb. A. Stewart, |
| A. L. Denny, | R. W. Miller, | George W. Stone, |
| Lawrence J. Diskin, | V. W. Morris, | Harry Weitkamp, |
| Thomas Drewry, | James S. Morris, | T. A. Weldon, |
| J. A. Frazier, | Ed. Mulcahy, | W. T. White, |
| M. T. Freeman, | Ion B. Nall, | John B. Wicker, |
| Taylor P. Gabbard, | Henry G. Overstreet, | Hal J. Woodford—55. |
| Lloyd W. Gates, | | |

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

Mr. H. K. Cole moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 143. An act to continue in force drainage systems established and operated by drainage corporations heretofore in any of the counties of Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in those counties of this State in which corporations have heretofore existed having for their object the purpose of improving the public health by draining, ditching and working upon swamp land or lands which need drainage, so as to make them more suitable for cultivation, such corporations shall be continued in force for said objects and purposes and shall have the benefit not only of the laws governing them and the present laws touching the subject of drainage enacted by the General Assembly of Kentucky and embodied in the Kentucky Statutes, but also of the provisions hereinafter enumerated. This enactment to be section 2417a of the Kentucky Statutes.

§ 2. Upon the petition in writing of the owners of more than one-half of all the lands within the boundary of such corporation, which petition shall be signed by said owners or their agents or their guardians or personal representatives, the county court of any county in which said corporation exists shall appoint a board of commissioners, consisting of three land owners residing in said county and not interested in said corporation, and not owning any land within its boundary, and each over twenty-five years of age.

§ 3. The said commissioners shall on the 1st day of July succeeding the filing of said petition and the appointment of said commissioners, rate, assess, apportion, charge and fix upon the land within the boundary of said company a tax of not more than fifty cents and not less than ten cents per acre per year for a period of ten years in proportion to benefits conferred and to result, fixing the rate at such amount per acre as shall be fair and just in each case and report their assessment and apportionment in writing to the county court and said report shall be filed with the clerk of said court and not then

engrossed or copied upon the records. A certified copy of said report shall then be filed by the clerk of the county court in the circuit court of said county and, if it be a court having different branches, in the chancery branch thereof. Said assessment and apportionment is one assessment and apportionment and when once made is to be for said years and for each year thereof and an annual assessment and apportionment is hereby dispensed with. The commissioners in making their assessment and apportionment as hereinabove provided, shall enter in said assessment the names of all persons who, at the time of the assessment, are the owners or holders of lands liable to be assessed under the provisions of this act and opposite the names of such persons or owner or holder, the separate tract or tracts so owned or held, the number of acres as nearly as practicable, the name of the nearest resident thereto, the rate of taxation per acre and the aggregate tax upon each tract or parcel of land for each of the said ten years; but no error or informality in the assessment or in the description or in the location of the property, or in the name of the owner or party assessed, shall invalidate the assessment, if the property can with reasonable certainty be located from the description given; nor shall any irregularity or informality in the execution of their duties as commissioners, or any failure of duty on their part render any assessment invalid.

§ 4. After the expiration of said term of years provided in section 3, another assessment for a like period of years may be initiated and established on the petition of the owners of more than one-half of all the land within the then boundary of said corporation or corporations in accordance with the provisions in the preceding and succeeding sections of this act.

§ 5. Said board of commissioners shall thereupon cause to be published in one English and one German daily newspaper (if there be one) printed and published in the county, by insertions made in each of said newpapers (or in one English paper as the case may be), once a week for three (3) successive weeks, a notice sustantially as follows:

"The ....., Company's Tax Notice.

"All owners and holders of lands within the boundary of the ..... Company, and all persons having an interest in any of said lands, are hereby notified that the Board of Commissioners, appointed by the county court, under and by virtue of the provisions of an act of the General Assembly of the Commonwealth of Kentucky, entitled 'An act to continue in force drainage systems established and operated by drainage corporations heretofore in any of the counties of Kentucky, approved 1906,' this act to be 2417a of the Kentucky Statutes, have reported assessment and apportionment upon said lands; and said report was, on the .... day of ..... .....(insert date), filed with the clerk of the circuit court. All persons who have complaints to make of excessive or unjust assessment or apportionment, are required to file such complaint in writing with said clerk within thirty (30) days from and after the filing of said report. As soon as practicable after the expiration of said thirty (30) days, the said clerk will set the same to a day for hearing before said court.

"Signed..... (insert name.)
"Signed..... (insert name.)
"Signed..... (insert name.)
"Board of Commissioners."

The said Board of Commissioners shall also cause printed or writen copies of said notice in the German and English language to be posted at six prominent places within said boundary, within seven (7) days from and after the filing of said report in said clerk's office.

§ 6. Within thirty days of the filing of the report of the assessment and apportionment aforesaid, any persons who think that their lands, or those in which he has a legal or equitable interest, have been unjustly or excessively assessed, may file with the said clerk his complaint, in writing, specifying the land and alleged excess or injustice; and the company, or any owner of lands within its boundary, or any person interested therein, who think that the assessment

or apportionment of any of the lands within the boundary has been fixed too low or too high, may, within said time, file a complaint in writing with said clerk, specifying the parcel of land and alleged deficiency or partly. The clerk of the circuit court shall be sign the hearing of the complaints to the report of the assessment and apportionment to as nearly a day as convenient to the said chancery court, at which the company and other complainants may be heard; and the court shall summarily, or otherwise with the power to receive evidence, if necessary, orally or in writing, pass upon the justice and fairness of said complaint or complaints, and shall approve, reduce or increase the assessment and apportionment according to the justice of the case and according to law, within the limits fixed by this act. As to those lands, to the assessment of which no complaints have been filed within the time allowed by this act, the court shall confirm and approve the report. When all complaints shall have been determined, the court shall order the report as a whole, as thus amended (if necessary to be amended), approved and confirmed, and the assessments and apportionments shall be deemed conclusive and binding upon all parties. Said court shall have power to correct any error in said report, or, if necessary, recommit said report or any portion thereof, to the Board of Commissioners, provided its action is had before confirmation thereof.

§ 7. Before entering upon the duties of their office, the Board of Commissioners shall each take the following oath of office before the clerk of the circuit court of the county, viz.: "I, ....., do solemnly swear that I will faithfully perform the duties of commissioner to assess, apportion and rate taxes under the provisions of an act of the General Assembly of the Commonwealth of Kentucky, entitled "An act to continue in force drainage systems established and operated by drainage corporations heretofore in any of the counties of Kentucky; this act to be 2417a of the Kentucky Statutes, approved 1906; that I will impartially perform the duties of said office, and that I am in no way interested in said company, nor holder or owner of any lands within its boundary, and that I am a land owner

and resident of ..... county, State of Kentucky, and over twenty-five years of age."

Any vacancy arising among said commissioners by death, resignation or otherwise, shall be filled by the county court; but the failure of said court to appoint a person to fill said vacancy shall not invalidate the proceedings of Board of Commissioners or prevent it from acting. Two members of said board shall constitute a quorum, and may perform its duties under this act, notwithstanding the third member's place be vacant or he fail to act.

§ 8. The circuit court of the county may cause proof to be taken upon the subject as to whether the notices required by section 5 of this act were given by the Board of Commissioners according to the provisions of this act, and may, in its final judgment confirming said report, determine this fact, and any other fact necessary to establish a binding assessment and apportionment as herein provided; and may cause an order to be entered on its records to the effect that all such steps have been properly taken, which order shall be prima facie evidence of the facts therein recited, and conclusive upon all parties thereto.

§ 9. The taxes herein provided shall be assessed as of the first day of July, and shall be payable to the ..... company on or after the first day of October of the year for which assessed, and shall become due on the first day of December thereafter, beginning with the year 1906, and so on for each of the said ..... years, for which levied and assessed as aforesaid. On all taxes paid during the month of October preceding maturity there shall be a discount of three per cent. (3); on all taxes paid during the month of November there shall be a discount of two per cent. (2). After the first day of January succeeding maturity thereof, all unpaid taxes shall bear interest at the rate of one-half per cent. (½) a month, or fraction thereof, until paid. Said company shall keep an office where taxes shall be payable. The address of said office shall be lodged with the clerk of the county court and copied and enrolled in the book hereinafter referred to, kept in his office, and any subse-

quent changes in the address of said office of said company shall likewise be copied and enrolled in said book.

§ 10. And said corporation shall have a lien for all said taxes upon the lands assessed and upon all personal property of the owners thereof found upon the premises not exempt from execution, attachment, or distraint, which lien shall not be defeated by gift, devise, sale, alienation, mortgage, or by any means whatsoever. Said lien shall not continue for longer than ten years before suit brought or proceeding had as hereinafter provided. Said lien is a general lien such as arises for State and county taxes and is superior to all other claims and liens whatsoever, except State and county taxes, and rests upon the land and said personal property hereinabove referred to. For questions of limitation or apportionment as between vendor and vendee or for similar purposes, said lien dates as of the first of July of each year and unless suit be commenced or proceeding be had as hereinafter provided, within ten years from the first of July of the said respective years, the said lien shall be lost, the lien for the last year of the first assessment term to have a limitation period beginning July 1, 1916, and running ten years thereafter. After the action of the said circuit court of the county upon said assessment and apportionment, the clerk thereof shall certify a copy of said assessment and apportionment to the clerk of the county court, who shall record the same in his office, together with a map showing the boundary of said corporation and index said liens in the real estate indexes in the name of the owner as grantor and the company as grantee, and said record shall be notice to creditors and purchasers, and to all the world, of the said taxes, and any interest and costs thereon and of the lien herein retained upon the aforesaid lands, and when any tax has been paid, it shall be the duty of the president or treasurer of said company to enter the word "paid" upon the record in said office in the proper column and to enter the amount so paid and subscribe thereto the name of the company by him. The said taxes are to be used by said company for the purpose of keeping up its system of ditches, cleaning and taking care of the same

and making such additional ditches and extensions as may be necessary and for the general drainage purposes of said company or companies.

§ 11. After the first day of December of any year for which taxes may be due, the company may file in the said circuit court, in said proceeding in which the said report had already been confirmed, the affidavit of its president, or of other officer, stating that the taxes are due upon a certain tract of land and the amount thereof, and giving a sufficient description of said land, together with the names of the owner or owners or holders, and alleging that said land is included in the assessment and apportionment aforesaid, whereupon it shall be the duty of said court to cause a rule to be issued against said owner or owners, or holders, to show cause, if any they have or can, why he or they should not be compelled to pay said tax; and such proceedings shall be had as upon rules issuing from the circuit court; and the said court may render a personal judgment for said tax, interest and costs against the person owing the tax, and may render a judgment enforcing the lien for taxes, and ordering a sale of the property described in said affidavit, and payment of said taxes, interest and costs out of the proceeds. Sales are to be conducted in circuit court for foreclosure of liens. Costs shall be paid by the losing party.

§ 12. The taxes provided for in this act shall be collectible either by rule as aforesaid or by action, equitable or ordinary, in any appropriate court or by either of said remedies. Suits for taxes shall be in the name of the company, and said suitor shall have all the rights of other suitors in courts of law and equity, may obtain a personal judgment against the person or persons to whom the land assessed and taxes as aforesaid belongs, for the amount of said tax, with interest and costs, as well as the enforcement of the lien herein given; and said company shall have all the rights and privileges secured by litigants by the Constitution and laws of the Commonwealth of Kentucky.

§ 13. The equitable actions herein authorized and the judg-

ments and subsequent proceedings therein (except as herein provided) shall be conducted in all respects like suits upon liens arising out of contracts, and the said circuit court shall have jurisdiction of all amounts of ten dollars (10) and over, exclusive of interest; the taxes due for earlier and later years may be included in the petition and in the judgment. Suit for taxes against different persons owing taxes may be joined in one action, and all persons interested in the questions raised in the pleadings, or having or claiming an interest in the land sought to be sold may be joined as plaintiffs or defendants, and the proof in said action may be read for and against all parties who are properly brought before the court.

§ 14. It shall be lawful for such drainage company or companies to extend its ditches or ditch and to make other ditch or ditches and to connect with any creek or stream and to straighten or cut across curves thereof so as to facilitate drainage, and when necessary to take the land or lands of private persons, said corporation is vested with the right and power of eminent domain for the condemnation of so much of said land or lands as may be necessary which remedy shall be pursued as provided by the Kentucky Statutes in the case of roads and rights of way or drains, the said proceedings to be brought by the said company in the county court and proceeding had as prescribed in the Statutes of Kentucky, providing due compensation to the owners of said land or lands. The commissioners hereinabove mentioned shall be compensated out of the treasury of the company at the rate not exceeding five dollars ($5) to each for each day's service. For copying and certifying the assessment and apportionment hereinabove mentioned, the clerk of the circuit court shall be entitled to compensation, to be paid by the company at a rate not exceeding ten cents (.10) for each separate parcel of land therein assessed; and the clerk of the county court shall be entitled to the same fees for recording the same in his office. The board of directors of the company shall, annually, in the month of January, file with the clerk of the county court a detailed statement of all money received (and from whom) by said board and expended by them under the provisions of this act.

§ 15. Upon the petition of said company or companies in the county in question desiring an extension or addition to the boundaries of the said drainage district of said company, said petition to be accompanied with a map, showing the desired extension or addition of territory, the county court shall cause summons to be issued against the owners of lands within the proposed extension or added territory, calling upon them to show cause, if any, why such extension or addition shall not be made to the boundary of said company, and if a numerical majority of the persons owning lands within said proposed extension or addition consent of record thereto, then the said county court shall enter a judgment establishing said extension or additional boundary and appeal shall lie for sixty days to the circuit court, and if the said judgment be affirmed, then to the Court of Appeals, if desired, or, if it be reversed, then an appeal shall lie to the Court of Appeals if desired. The said county court and the said circuit court shall respectively certify to the clerk of the county court in question its judgment in said matter, to be recorded in said book provided hereinabove, showing the assessment and taxes. Said extension or added territory and district shall be subject to the provisions of this act and an assessment may be initiated by said company and by the owners of more than half the lands within said extension or added boundary as hereinabove provided, and said assessment shall be for the remaining years of the said term referred to in paragraph 3 of this act, and steps to perfect said assessment with respect to said added or extended territory shall be had in accordance with the provisions of this act.

§ 16. This act shall take effect from and after its passage.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | W. J. Gooch, | Ion B. Nall, |
| John Barr, | A. J. Gorham, | Henry G. Overstreet, |
| W. G. Baxter, | H. H. Griffin, | C. M. Paynter, |
| B. O. Becker, | John C. Griffith, | M. M. Redwine, |
| H. Kirby Bourne, | B. P. Grigsby, Sr., | J. M. Robertson, |
| W. T. Cain, | W. C. Halbert, | Richard S. Rose. |
| M. F. Campbell, | C. W. G. Hannah, | J. T. Royalty, |
| J. W. Clay, | D. C. Hopper, | S. M. Russell, |
| W. D. Claybrooke, | W. J. Jackson, | Ed. H. Shellman, |
| Sam. D. Cochran, | L. F. Johnson, | Emmet P. Slattery, |
| H. K. Cole, | W. H. Jones, | W. W. Smith, |
| W. H. Cole, | Wm. F. Klair, | Zeb. A. Stewart, |
| Ed. Croan, | H. M. McCarty, | George W. Stone, |
| Charles I. Dawson, | M. H. McLean, | A. J. Thompson, |
| Lawrence J. Diskin, | Henry C. Miller, | Harry Weitkamp, |
| Thomas Drewry, | R. W. Miller, | T. A. Weldon, |
| Robert Enlow, | Chris Mueller, | W. T. White, |
| J. A. Frazier, | J. M. Mitchell, | John B. Wicker, |
| M. T. Freeman, | V. W. Morris, | Geo. S. Wilson, |
| Taylor P. Gabbard, | James S. Morris, | W. T. Wright, |
| Lloyd W. Gates, | Ed. Mulcahy, | Jas. C. Yaden—63. |

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

Mr. Gates moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 190. An act to permit defendants in civil suits for damages for an assault, or an assault and battery, to plead mitigating facts and circumstances as a defense to the claim for punitive damages, and to introduce such facts and circumstances in evidence in mitigation of damages.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In all civil actions for damages inflicted by an assault or an assault and battery, the defendant shall have the right to plead as a defense to the claim for punitive damages, and to introduce in evidence, in mitigation of damages, all facts and circumstances, which would be competent as evidence in his behalf, if he were being tried in a criminal proceeding, based upon the same occurrence, which constitutes the ground of the claim for damages in the civil action.

§ 2. Whereas, at present the law in this Commonwealth is deficient in not permitting defendants in such civil actions, as are mentioned in section 1 of this act, to rely upon as a defense to the claim for punitive damages, or to introduce as evidence in mitigation of damages, the same facts and circumstances which would be competent evidence, on behalf of the defendant in a criminal prosecution based upon the same occurrence, and, whereas, such actions are now pending and others are liable to be at once instituted in various courts of this Commonwealth, an emergency is declared to exist, and this act shall take effect from its passage.

Mr. R. W. Miller offered the following amendment to said bill, viz.:

Strike out section 1 and insert the following, viz.:

"Sec. 1. In all civil actions for damages inflicted by an assault, or by assault and battery, the defendant shall have the right to plead as a defense to the claim for punitive damages, and to introduce in evidence in mitigation of damages, any matter of provocation which preceded the assault or assault and battery, if the matter of provocation prompted the assault or assault and battery, and was of a nature as to cause a person of ordinary prudence and judgment to take the action taken by the defendant.

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | H. H. Griffin, | C. M. Paynter, |
| John Barr, | John C. Griffith, | M. M. Redwine, |
| W. G. Baxter, | Albert Hamilton, | J. M. Robertson, |
| Peter Best, Jr., | C. W. G. Hannah, | J. T. Royalty, |
| H. Kirby Bourne, | L. P. Head, | S. M. Russell, |
| W. T. Cain, | D. C. Hopper, | R. C. Simmons, |
| M. F. Campbell, | L. F. Johnson, | T. J. Slaton, |
| W. D. Claybrooke, | W. H. Jones, | Emmet P. Slattery, |
| Sam. D. Cochran, | Wm. F. Klair, | W. W. Smith, |
| W. H. Cole, | Geo. D. Litsey, | John A. Stevens, |
| Lawrence J. Diskin, | H. M. McCarty, | Zeb. A. Stewart, |
| Thomas Drewry, | M. H. McLean, | George W. Stone, |
| Robert Enlow, | Henry C. Miller, | A. J. Thompson, |
| J. A. Frazier, | R. W. Miller, | T. A. Weldon, |
| Lloyd W. Gates, | Chris Mueller, | Geo. S. Wilson, |
| W. J. Gooch, | V. W. Morris, | James C. Yaden—51. |
| A. J. Gorham, | Ed. Mulcahy, | |

Those who voted in the negative were—

| | | |
|---|---|---|
| H. K. Cole, | Charles I. Dawson, | Richard S. Rose, |
| Ed. Croan, | Taylor P. Gabbard, | W. H. Southall—6. |

Resolved, That the title of said bill be as aforesaid.

Mr. R. W. Miller moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 429. An act to provide for the establishment and the maintenance in counties which contain a city of the first class of a hospital for the treatment of persons afflicted with tuberculosis.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in counties in this Commonwealth which contain a city of the first class there shall be created a board to be composed of ten persons, which shall be a body politic and corporate, and which shall be known as the "Board of the Tuberculosis Hospital," and in which name it may sue and be sued.

§ 2. The members of said board shall be appointed by the mayor of the city, and shall serve without compensation, and the mayor shall be ex-officio a member of said board, and said members shall be appointed for a term of four years.

§ 3. Said board shall have the power to organize and elect officers, rent or purchase or to erect and to conduct and maintain a suitable hospital and grounds for the treatment of persons afflicted with tuberculosis, and to make all needful rules and regulations with reference to the admission and discharge of patients and the conduct of the affairs of the hospital, which, in their judgment, seem proper, provided such regulations be not in conflict with the law.

§ 4. The mayor of the city shall have power to fill any vacancies which may occur in the membership of said board through death, resignation or otherwise, by appointing some other person to fill out the unexpired term of such person as may have retired from the board during the term for which he was appointed.

§ 5. For the purpose of meeting the expenses necessary to carry out of the purposes of this act the fiscal court of the county and the municipal board of the city in which such board shall exist are au-

thorized, empowered and directed each to levy a tax not to exceed two cents, and not less than ½ cent on the hundred dollars of taxables in their respective cities and counties, and the sums derived from said taxation are to be paid over to the said board for the purposes herein set forth.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the reading of said bill at length being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| John Barr, | H. H. Griffin, | Ed. Mulcahy, |
| W. G. Baxter, | John C. Griffith, | C. M. Paynter, |
| Peter Best, Jr., | Albert Hamilton, | M. M. Redwine, |
| W. T. Cain, | C. W. G. Hannah, | J. M. Robertson, |
| M. F. Campbell, | L. P. Head, | Richard S. Rose, |
| Bennett Clarke, | D. C. Hopper, | J. T. Royalty, |
| W. D. Claybrooke, | L. F. Johnson, | S. M. Russell, |
| Sam. D. Cochran, | W. H. Jones, | R. C. Simmons, |
| H. K. Cole, | Wm. F. Klair, | T. J. Slaton, |
| W. H. Cole, | Geo. D. Litsey, | Emmet P. Slattery, |
| Charles I. Dawson, | H. M. McCarty, | W. W. Smith, |
| Lawrence J. Diskin, | Virgil McKnight, | W. H. Southall, |
| Thomas Drewry, | M. H. McLean, | Zeb. A. Stewart, |
| J. A. Frazier, | Henry C. Miller, | George W. Stone, |
| M. T. Freeman, | R. W. Miller, | Harry Weitkamp, |
| Taylor P. Gabbard, | Chris Mueller, | T. A. Weldon, |
| Lloyd W. Gates, | J. M. Mitchell, | John B. Wicker, |
| W. J. Gooch, | V. W. Morris, | J. Hal Woodford, |
| A. J. Gorham, | James S. Morris. | James G. Yaden—57. |

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

Mr. Smith moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

And then the House adjourned.

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## THURSDAY, MARCH 8, 1906.

The House opened with prayer by the Rev. T. N. Arnold, of the Christian church.

The reading of the Journal of yesterday's proceedings was dispensed with and the same was approved.

A message was received from the Senate announcing that they had adopted a resolution and passed bills of the following titles, viz.:

(1) S. Res. 22. Resolution providing for appointment of committee to investigate conditions of lawlessness alleged to exist in Breathitt county and report thereon.

(2) S. B. 277. An act to provide for protection from fire of State property and to guard the inmates of the insane asylums.

(3) S. B. 281. An act to further regulate the time of holding court in the Nineteenth Judicial District.

Said resolution and bills were ordered printed and were by the Speaker referred:

One, to the Committee on Judiciary.

Two, to the Committee on Municipalities.

Three, to the Committee on Circuit Courts.

Mr. Stewart called up for consideration from the clerk's desk a bill entitled

H. B. 23. An act to amend section 74 of the Civil Code of Practice. (For bill see House Journal, February 5th.)

Together with the amendments proposed thereto by the Senate:

Said amendments are as follows, viz.:

No. 1—Amend by adding after the word "published." in line 5, and after the word "published," in line 13, the following: "Or in the county in which the transaction or act or declaration, to which the publication relates, is stated or purported to have been done or taken place."

No. 2—Amend by adding: "When the home of the plaintiff and the place where the publication or newspaper is printed is the same, the plaintiff may institute suit in any county of this Commonwealth where the said publication is circulated."

No. 3—Amend by adding the following words, "at the time the publication was made" after the word "resides," in line 12.

Said amendments were concurred in.

Said bill as amended was then passed.

The yeas and nays being taken on the passage of said bill as amended, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | W. J. Gooch, | J. M. Robertson, |
| Louis W. Arnett, | A. J. Gorham, | J. T. Royalty, |
| John Barr, | John C. Griffith, | Ed. H. Shellman, |
| E. Barry, | B. P. Grigsby, Sr., | R. C. Simmons, |
| W. G. Baxter, | W. C. Halbert, | T. J. Slaton, |
| Roger P. Blair, | L. F. Johnson, | Emmet P. Slattery, |
| Joe F. Bosworth, | Wm. F. Klair, | W. H. Southall, |

| | | |
|---|---|---|
| H. Kirby Bourne, | Geo. D. Litsey, | Hub L. Stevens, |
| Bennett Clarke, | H. M. McCarty, | John A. Stevens, |
| Charles I. Dawson, | M. H. McLean, | Zeb. A. Stewart, |
| Thomas Drewry, | Chris Mueller, | C. C. Terry, |
| Robert Enlow, | J. M. Mitchell, | Harry Weitkamp, |
| J. A. Frazier, | V. W. Morris, | T. A. Weldon, |
| M. T. Freeman, | Ed. Mulcahy, | John B. Wicker, |
| Taylor P. Gabbard, | W. J. Osborne, | J. T. Wilson, |
| Lloyd W. Gates. | C. M. Paynter, | Munnell Wilson—47. |

Those who voted in the negative were—

| | | |
|---|---|---|
| Peter Best, Jr., | James S. Morris, | C. F. Thornton, |
| W. T. Cain, | S. M. Russell, | J. Hal Woodford, |
| M. F. Campbell, | George W. Stone, | W. T. Wright, |
| W. H. Cole, | A. J. Thompson, | Will A. Young—13. |
| C. W. G. Hannah, | | |

The House took up for consideration from the calendar bills of the following titles, viz.:

S. B. 237. An act authorizing and empowering the commissioners of the sinking fund to donate any interest the Commonwealth may own in any turnpike road companies in the State, when all the stock in any such turnpike company is owned by the Commonwealth and any county or counties, and such county or counties will undertake to make and maintain such turnpike free of toll to the traveling public.

S. B. 297. An act to regulate the racing of running horses in the Commonwealth of Kentucky and to establish a State racing commission, and prescribing its powers and duties.

S. B. 272. An act to ratify and confirm charters of corporations heretofore taken out under the laws of the Commonwealth under the statute permitting a consolidation of corporations.

S. B. 129. An act to regulate the distribution of the reports of the decisions of the Court of Appeals.

S. B. 37. An act to provide for the amendment and revision of section 171 of the Constitution of Kentucky.

S. B. 81. An act to amend an act, entitled "An act to regulate the sale of intoxicating liquors by wholesale in this Commonwealth," which was approved March 22, 1904.

S. B. 194. An act to amend section 4313 of the Kentucky Statutes compiled by John D. Carroll.

Ordered that said bills be severally read the second time.

The provision of the Constitution as to the second reading of said bills at length being dispensed with, said bills were read the second time by their titles.

Ordered that said bills be placed in the orders of the day.

The House took up for consideration, from the orders of the day, a joint resolution, entitled

H. Res. 8. Resolution for the benefit of John H. Stuart.

Said bill is as follows, viz.:

Whereas, there is no provision under the law for paying the officers of the State Electoral College at its meetings every four years, and it has been customary for the Legislature to make provision for same after each recurring meeting of the college, as will be seen on page 158, volume 1, Acts of 1881; page 764, volume 1, Acts of 1885-1886, and page 398, Acts of 1902; and,

Whereas, John H. Stuart, of Frankfort, served as secretary of the said Kentucky Electoral College at its meeting in January, 1905, and received no pay for said services; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of fifteen dollars be allowed, to be paid out of any funds in the Treasury not otherwise appropriated, to John H. Stuart for his services as secretary of said electoral college, ren-

dered in the year 1905, and the Auditor of Public Accounts is hereby directed to draw his warrant on the State Treasurer for said sum.

Ordered that said resolution be engrossed and read the third time.

The provision of the Constitution as to the third reading of said resolution at length being dispensed with, and same being engrossed, said resolution was read the third time by its title and passed.

The yeas and nays being taken on the adoption of said resolution, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | Lloyd W. Gates, | J. T. Royalty, |
| Louis W. Arnett, | W. J. Gooch, | J. T. Scott, |
| John Barr, | A. J. Gorham, | R. C. Simmons, |
| E. Barry, | B. P. Grigsby, Sr., | T. J. Slaton, |
| W. G. Baxter, | Albert Hamilton, | Emmet P. Slattery, |
| B. O. Becker, | C. W. G. Hannah, | Hub L. Stevens, |
| Roger P. Blair, | W. J. Jackson, | John A. Stevens, |
| Bennett Clarke, | L. F. Johnson, | George W. Stone, |
| J. W. Clay, | Wm. F. Klair, | C. F. Thornton, |
| W. D. Claybrooke, | Geo. D. Litsey. | T. A. Weldon, |
| H. K. Cole, | H. M. McCarty, | W. T. White, |
| Henry M. Cox, | Virgil McKnight, | John B. Wicker, |
| Ed. Croan, | Henry C. Miller, | Geo. S. Wilson, |
| Charles I. Dawson, | James S. Morris, | J. T. Wilson, |
| Lawrence J. Diskin, | Ion B. Nall, | Munnell Wilson, |
| Thomas Drewry, | Henry G. Overstreet, | J. Hal Woodford, |
| Robert Enlow, | C. M. Paynter, | W. T. Wright, |
| J. A. Frazier, | J. M. Robertson, | James G. Yates—56. |
| Taylor P. Gabbard, | Richard S. Rose. | |

In the negative—V. W. Morris.

Resolved, That the title of said resolution be as aforesaid.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 501. An act to amend and re-enact section 251 of article 6, chapter 171 of the Acts of 1891-2-3, entitled "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893, and being section 857, Kentucky Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 251, of article 6, chapter 171, of the Acts of 1891, 1892, 1893, entitled "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893 and being section 857, Kentucky Statutes, be, and the same is hereby, amended and re-enacted, so that said section shall read:

"The capital stock shall be divided into shares of the ultimate value fixed by the laws. The shares may be issued in monthly, half-yearly or yearly series, in such amounts and at such times as the members may determine. No person shall hold, in an association having an authorized capital stock of $100,000 or less, exceeding an amount equal to two and one-half (2½) per cent. of the whole number of shares; in those having an authorized capital exceeding $100,000, and not exceeding $500,000, two (2) per cent.; in those having an authorized capital of $500,000, and not exceeding $1,000,000, one and a half (1½) per cent., and in those having an authorized capital of $1,000,000, or in excess thereof, one (1) per cent. of the whole number of shares therein; and no shares of a prior series shall be issued after the issue of a new series, and an association may issue full-paid stock to its members, or issue to its members stock restricted to a less rate of profit than that of its regular stock; but certificates of such stock shall state on their face this restricted rate of profit, and no association shall create a debt exceeding twenty (20) per cent. of its paid-up capital."

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | Taylor P. Gabbard, | Henry G. Overstreet, |
| Louis W. Arnett, | Lloyd W. Gates, | C. M. Paynter, |
| John Barr, | W. J. Gooch, | M. M. Redwine, |
| E. Barry, | A. J. Gorham, | J. M. Robertson, |
| W. G. Baxter, | H. H. Griffin, | J. T. Royalty, |
| Charles C. Beard, | John C. Griffith, | Ed. H. Shellman, |
| B. O. Becker, | B. P. Grigsby, Sr., | R. C. Simmons, |
| Peter Best, Jr., | Paul Gullion, | T. J. Slaton, |
| Joe F. Bosworth, | Albert Hamilton, | Emmet P. Slattery, |
| H. Kirby Bourne, | J. A. Hamon, | W. W. Smith, |
| N. B. Chipman, | C. W. G. Hannah, | W. H. Southall, |
| J. W. Clay, | L. F. Johnson, | John A. Stevens, |
| Sam. D. Cochran, | Wm. F. Klair, | Zeb. A. Stewart, |
| H. K. Cole, | Geo. D. Litsey, | George W. Stone, |
| W. H. Cole, | Virgil McKnight, | C. C. Terry, |
| Henry M. Cox, | M. H. McLean, | T. A. Weldon, |
| Charles I. Dawson, | Henry C. Miller, | John B. Wicker, |
| A. L. Denny, | Chris Mueller, | Geo. S. Wilson, |
| Lawrence J. Diskin, | J. M. Mitchell. | J. T. Wilson, |
| Thomas Drewry, | James S. Morris, | J. Hal Woodford, |
| J. A. Frazier, | Ed. Mulcahy, | W. T. Wright, |
| M. T. Freeman, | Ion B. Nall, | James G. Yaden—66. |

In the negative—A. J. Thompson.

Resolved, That the title of said bill be as aforesaid.

Mr. Gates moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 84. An act requiring children to aid in the support of their indigent parents.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any adult person, a resident of this State, having a parent in this State, said parent being destitute of means of subsistence and unable, either by reason of old age, infirmity or illness, to support himself or herself, who is possessed of, or able to earn, means sufficient to provide such parent with necessary shelter, food, care and clothing, and neglects or refuses so to do, after reasonable notice, shall, upon conviction, be deemed guilty of a misdemeanor and punished by imprisonment in jail or in a workhouse, at hard labor, for not more than six months nor less than one month: Provided, however, If, after such conviction and before sentence, such person shall appear before the court in which such conviction shall have taken place and enter into bond with good and sufficient surety, to be approved by said court, to the Commonwealth of Kentucky in the penal sum of $500.00, conditioned that he will furnish such parent with necessary and proper shelter, food, care and clothing, the said court shall suspend sentence therein.

§ 2. This act shall take effect as provided by law.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

J. M. Alverson,
Louis W. Arnett,
John Barr,
E. Barry,
W. G. Baxter,
B. O. Becker,
Peter Best, Jr.,
Roger P. Blair,
Joe F. Bosworth,
H. Kirby Bourne,
W. T. Cain,
M. F. Campbell,
N. B. Chipman,
Bennett Clarke,
J. W. Clay,
Sam. D. Cochran,
H. K. Cole,
W. H. Cole,
Charles I. Dawson,
A. L. Denny,
Lawrence J. Diskin,
Thomas Drewry,
Robert Enlow,
J. A. Frazier,
M. T. Freeman,
Taylor P. Gabbard,
Lloyd W. Gates,
A. J. Gorham,
John C. Griffith,
W. C. Halbert,
Albert Hamilton,
C. W. G. Hannah,
D. C. Hopper,
W. J. Jackson,
L. F. Johnson,
W. H. Jones,
Wm. F. Klair,
Geo. D. Litsey,
H. M. McCarty,
M. H. McLean,
Chris Mueller,
J. M. Mitchell,
V. W. Morris,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
C. M. Paynter,
J. M. Robertson,
J. T. Royalty,
S. M. Russell,
Ed. H. Shellman,
R. C. Simmons,
T. J. Slaton,
Emmet P. Slattery,
W. H. Southall,
John A. Stevens,
Zeb. A. Stewart,
C. C. Terry,
A. J. Thompson,
C. F. Thornton,
Harry Weitkamp,
T. A. Weldon,
John B. Wicker,
J. T. Wilson,
J. Hal Woodford,
W. T. Wright—66.

In the negative—Virgil McKnight.

Resolved, That the title of said bill be as aforesaid.

Mr. Simmons moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 125. An act appropriating funds for the improvement of the Feeble-minded Institute.

Together with an amendment proposed thereto by the committee.

Said bill is as follows, viz.:

Whereas, the Kentucky Feeble-minded Institute was established in the year 1860, and during the forty-five years of its existence the General Assembly of Kentucky has never before been called upon to make an appropriation for the benefit of said institution; and by reason of the overcrowded state of the said institution, whereby the officials of said institution have been for one year unable to receive some thirty individuals, committed by various courts throughout the State, and also by reason of insufficient heating, lighting and laundry faciiities; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of $100,000 be, and the same is hereby, appropriated out of any money in the State Treasury, collected or to be collected and not otherwise appropriated, for the purpose of building an additional building and equipping same, and also building an addition to the present kitchen and dining room and electric light plant, the cost of which shall not exceed the sum of $3,500, and a laundry, the cost of which shall not exceed $2,500.

§ 2. The work referred to in section 1 of this act shall be done under the supervision of the Superintendent and Board of Commissioners or any commissioners hereafter appointed. Said work and construction shall be paid for according to contract made by said Superintendent and Board of Commissioners of said Feeble-minded Institute by warrant of the Auditor of the State, drawn upon the Treasurer of the State; said warrant to be drawn whenever an itemized statement of character of work done, and amount due for same, and signed and sworn to by the Superintendent and Chairman of Board of Commissioners of said Kentucky Feeble-minded Institute, is filed with the Auditor.

Said amendment is as follows, viz.:

Strike out section 1 and insert in lieu thereof the following:

"Sec. 1. That the sum of twenty thousand dollars be, and the

same is hereby, appropriated out of any money in the Treasury collected or to be collected and not otherwise appropriated, for the purpose of constructing and equipping a laundry and electric light plant, adding to kitchen and dining-room, and constructing and equipping a hospital at the Feeble-minded Institute, located at Frankfort, Kentucky."

Mr. Bourne moved to amend said amendment by striking out "twenty" and insert in lieu thereof "forty."

Said motion was disagreed to.

The amendment as proposed by the committee was agreed to.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | A. J. Gorham, | S. M. Russell, |
| John Barr, | H. H. Griffin, | Ed. H. Shellman, |
| E. Barry, | John C. Griffith, | T. J. Slaton, |
| W. G. Baxter, | W. C. Halbert, | Emmet P. Slattery, |
| B. O. Becker, | Albert Hamilton, | W. W. Smith, |
| Peter Best, Jr., | C. W. G. Hannah, | W. H. Southall, |
| Joe F. Bosworth, | D. C. Hopper, | Hub L. Stevens, |
| H. Kirby Bourne, | W. J. Jackson, | John A. Stevens, |
| W. T. Cain, | L. F. Johnson, | George W. Stone, |
| M. F. Campbell, | W. H. Jones, | C. C. Terry, |
| Bennett Clarke, | Wm. F. Klair, | A. J. Thompson, |
| J. W. Clay, | Geo. D. Litsey, | C. F. Thornton, |
| W. D. Claybrooke, | H. M. McCarty, | Harry Weitkamp, |
| H. K. Cole, | M. H. McLean, | T. A. Weldon, |
| W. H. Cole. | Henry C. Miller, | Geo. S. Wilson, |

| | | |
|---|---|---|
| Henry M. Cox, | Chris Mueller, | J. T. Wilson, |
| A. L. Denny, | J. M. Mitchell, | Munnell Wilson, |
| Lawrence J. Diskin, | V. W. Morris, | Wm. Wilt, |
| J. A. Frazier, | James S. Morris, | J. Hal Woodford, |
| M. T. Freeman, | W. J. Osborne, | W. T. Wright, |
| Taylor P. Gabbard, | M. M. Redwine, | James C. Yaden, |
| Lloyd W. Gates, | J. M. Robertson, | Will A. Young—68. |
| W. J. Gooch, | J. T. Royalty, | |

Those who voted in the negative were—

| | | |
|---|---|---|
| N. B. Chipman, | Robert Enlow, | C. M. Paynter, |
| Ed. Croan, | B. P. Grigsby, Sr., | Zeb A. Stewart—8. |
| Charles I. Dawson, | Ed. Mulcahy, | |

Resolved, That the title of said bill be as aforesaid.

Mr. Johnson moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day, a bill, entitled

S. B. 106. An act to repeal and re-enact section 2554 of Kentucky Statutes as adopted, being a part of chapter 81, article 1, and being a portion of the act of March 10, 1894.

Together with an amendment by way of substitute heretofore proposed therefor by the Committee on Public Morals.

Said bill is as follows, viz.:

Whereas, the health, safety, peace, morality and general welfare of all the people of this Commonwealth are involved in and affected by the proper regulation of the sale of spirituous, vinous and malt liquors, and the same is within the purview of the police power of this Commonwealth; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 2554 of the Kentucky Statutes, being a part of chapter 81, article 1, be, and the same is hereby, repealed, and the following section is adopted in lieu thereof:

Sec. 2554. The sense of the qualified voters of the several counties, cities, towns, districts and precincts of this Commonwealth as to whether or not spirituous, vinous or malt liquors may be sold, bartered or loaned therein, shall be taken in the following way:

"(a) Upon application, by written petition, filed with the county judge of any county containing a city or cities of either the first, second, third, fourth or fifth class, signed by a number of the legal voters residing in said county outside of either of said cities, which territory shall constitute a district for the purposes of this act, equal to twenty-five per cent. of the votes cast in said county, outside of said city or cities at the last general election, it shall be the duty of the judge of the county court in such county at the next regular term thereof after receiving such petition to make an order on his order book directing an election to be held in said county, exclusive of said city or cities therein not earlier than sixty days after said application is lodged with said judge of said court, which order shall direct the sheriff or other officer of said county who may be appointed to hold said election, to open a poll at each and all of the voting places in and for said county, exclusive of said city or cities, for the purpose of taking the sense of the legal voters of said county, outside of said city or cities therein, who are qualified to vote at elections for county officers, upon the proposition as to whether or not spirituous, vinous or malt liquors shall be sold, bartered or loaned therein, or whether any prohibition law in force in said county, outside of said city or cities, or part thereof by virtue of general act or acts shall become inoperative; and no election shall be held for any town, district or precinct in the territory to be affected by said county election on the same day on which said election for said county, outside of said city or said city or cities, is held.

"(b) Upon application by written petition filed with the county judge of any county containing a city of either the first, second,

third, fourth or fifth class, signed by a number of legal voters residing in such city equal to twenty-five per cent. of the votes cast in said city at the last preceding general election for city officers, it shall be the duty of the judge of the county court in such county to make such proper orders as defined in this act, providing for the holding of an election to take the sense of the qualified voters of said such city as to whether or not spirituous, vinous or malt liquors shall be sold, bartered or loaned within said city, and it shall be the duty of the sheriff, or other officer appointed for such purpose, to cause such election to be held in compliance with the orders of said court in each of the voting places of such city, and no election shall be held in any district or precinct of such city on the same day on which an election is held for the entire said city under the provisions of this article.

"(c) Upon application by written petition, filed with the county judge of any county not containing a city of either the first, second, third, fourth, or fifth class, signed by a number of legal voters residing in such county equal to twenty-five per cent. of the votes cast in said county at the last preceding general election for county officers it shall be the duty of the judge of the county court to make such proper orders as in this act defined, directing the sheriff or other officer of the said such county, who may be appointed to hold said election, to open a poll at each and all of the voting places in said county for the purpose of taking the sense of the qualified voters of such county as to whether or not spirituous, vinous or malt liquors shall be sold, bartered or loaned within said county; and no election shall be held in any town, district or precinct of such county on the same day on which an election for the entire county is held."

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

The substitute as proposed therefor by the committee is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 2560 of the Kentucky Statutes, it being a portion of article 1, of chapter 81, of the Kentucky Statutes, entitled "Liquors—Intoxicating," be, and the same is hereby, repealed, and in lieu thereof it is hereby enacted:

"(a) No election in any town, city, district or precinct of a county shall be held under this article on the same day on which an election for the entire county is held, except that cities of the first, second, third and fourth classes may hold an election on the same day on which an election for the entire county is held. When an election is held in an entire county, and a majority of the legal votes cast at said election are against the sale, barter or loan of spirituous, vinous, malt or other intoxicating liquors, then it shall not be lawful to sell, barter or loan any such liquors in any portion of the county. If at such an election for the entire county the majority of the legal votes cast are in favor of the sale, barter or loan of any such liquors, such election shall not operate to make it legal to grant license to sell, barter or loan such liquors in any territorial division of such county from which the sale, barter or loan has been excluded by an election held under this article, or by special act, ,but the status of such territorial division shall remain as if no such election had been held.

"(b) No election shall be held in any election precinct under this act on the same day on which an election is held for the district or city of which the precinct is a part. If at an election held for such entire district or city the majority of the legal votes cast shall be in favor of the sale, barter or loan of spirituous, vinous, malt or other liquors, then the status in the several precincts thereof shall remain as it was before said election; but if the majority should be against the sale, then the sale, barter or loan of such liquors shall be unlawful in every portion of said district or city."

Mr. Rose offered the following amendment by way of substitute for the bill and pending substitute amendment, viz.:

Amend by substituting the following:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 2560 of the Kentucky Statutes, it being a portion of article 1, of chapter 81, of the Kentucky Statutes, entitled "Liquors—Intoxicating," be, and the same is hereby, repealed, and in lieu thereof it is hereby enacted:

"(a) No election in any town, city, district or precinct of a county shall be held under this article on the same day on which an election for the entire county is held. When an election is held in an entire county, and a majority of the legal votes cast at said election are against the sale, barter or loan of spirituous, vinous, malt or other intoxicating liquors, then it shall not be lawful to sell, barter or loan any such liquors in any portion of the county. If at such an election for the entire county the majority of the legal votes cast are in favor of the sale, barter or loan of any such liquors, such election shall not operate to make it legal to grant license to sell, barter or loan such liquors in any territorial division of such county from which the sale, barter or loan has been excluded by an election held under this article by special act, but the status of such territorial division shall remain as if no such election had been held.

"(b) No election shall be held in any election precinct under this act on the same day on which an election is held for the district or city of which the precinct is a part. If at an election held for such entire district or city, the majority of legal votes cast shall be in favor of the sale, barter or loan of spirituous, vinous, malt or other liquors, then the status in the several precincts thereof shall remain as it was before said election; but if the majority should be against the sale, then the sale, barter or loan of such liquors shall be unlawful in every portion of said district or city."

The substitute as proposed by Mr. Rose was disagreed to.

The yeas and nays being required thereon by Messrs Rose and Hammond, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Charles C. Beard, | Taylor P. Gabbard, | W. W. Smith, |
| B. O. Becker, | H. H. Griffin, | John A. Stevens, |
| Peter Best, Jr., | John C. Griffith, | Zeb. A. Stewart, |
| Joe F. Bosworth, | W. C. Halbert, | George W. Stone, |
| H. Kirby Bourne, | Albert Hamilton, | A. J. Thompson, |
| W. T. Cain, | C. W. G. Hannah, | C. F. Thornton, |
| M. F. Campbell, | D. C. Hopper, | Harry Weitkamp, |
| Bennett Clarke, | W. H. Jones, | T. A. Weldon, |
| W. D. Claybrooke, | R. W. Miller, | W. T. White, |
| H. K. Cole, | V. W. Morris, | Wm. Wilt, |
| W. H. Cole, | C. M. Paynter, | James G. Yaden. |
| A. L. Denny, | Richard S. Rose. | Will A. Young—38. |
| M. T. Freeman, | J. T. Royalty, | |

Those who voted in the negative were—

| | | |
|---|---|---|
| J. M. Alverson, | Paul Gullion, | J. M. Robertson, |
| Louis W. Arnett, | J. A. Hamon, | S. M. Russell, |
| John Barr, | W. J. Jackson, | J. T. Scott, |
| E. Barry, | L. F. Johnson, | Ed. H. Shellman, |
| Roger P. Blair, | Geo. D. Litsey, | R. C. Simmons, |
| N. B. Chipman, | Virgil McKnight, | T. J. Slaton, |
| Sam. D. Cochran, | M. H. McLean, | Emmet P. Slattery, |
| Henry M. Cox, | Henry C. Miller, | W. H. Southall, |
| Ed. Croan, | J. M. Mitchell, | Hub L. Stevens, |
| Charles I. Dawson, | James S. Morris, | C. C. Terry, |
| Lawrence J. Diskin, | Ed. Mulcahy, | John B. Wicker, |
| Robert Enlow, | Ion B. Nall, | Geo. S. Wilson, |
| J. A. Frazier, | W. J. Osborne, | J. T. Wilson, |
| Lloyd W. Gates, | Henry G. Overstreet, | Munnell Wilson, |
| W. J. Gooch, | John R. Ray, | J. Hal Woodford, |
| A. J. Gorham, | M. M. Redwine, | W. T. Wright—49. |
| B. P. Grigsby, Sr., | | |

The substitute as proposed for said bill by the committee was then agreed to.

Ordered that said bill as amended by said substitute be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, it was read the third time by its title and as amended was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | A. J. Gorham, | Richard S. Rose. |
| John Barr, | John C. Griffith, | J. T. Royalty, |
| E. Barry, | B. P. Grigsby, Sr., | S. M. Russell, |
| Charles C. Beard, | Paul Gullion, | J. T. Scott, |
| B. O. Becker, | W. C. Halbert, | Ed. H. Shellman, |
| Roger P. Blair, | Albert Hamilton, | T. J. Slaton, |
| H. Kirby Bourne, | J. A. Hamon, | Emmet P. Slattery, |
| W. T. Cain, | C. W. G. Hannah, | W. W. Smith, |
| M. E. Campbell, | D. C. Hopper, | W. H. Southall, |
| Bennett Clarke, | W. J. Jackson, | John A. Stevens, |
| J. W. Clay, | W. H. Jones, | Zeb. A. Stewart, |
| W. D. Claybrooke, | Geo. D. Litsey, | George W. Stone, |
| Sam. D. Cochran, | H. M. McCarty, | C. C. Terry, |
| H. K. Cole, | Henry C. Miller, | A. J. Thompson, |
| W. H. Cole, | R. W. Miller, | C. F. Thornton, |
| Henry M. Cox, | J. M. Mitchell, | W. T. White, |
| Ed. Croan, | V. W. Morris, | John B. Wicker, |
| Charles I. Dawson, | James S. Morris, | Geo. S. Wilson, |
| A. L. Denny, | Ed. Mulcahy, | J. T. Wilson, |
| Robert Enlow, | Ion B. Nall, | Munnell Wilson, |
| M. T. Freeman, | W. J. Osborne, | Wm. Wilt, |
| Taylor P. Gabbard, | John R. Ray, | J. Hal Woodford, |
| Lloyd W. Gates, | M. M. Redwine, | W. T. Wright, |
| W. J. Gooch, | J. M. Robertson, | Will A. Young—72. |

Those who voted in the negative were—

| | | |
|---|---|---|
| Louis W. Arnett, | J. A. Frazier, | Henry G. Overstreet, |
| W. G. Baxter, | H. H. Griffin, | C. M. Paynter, |
| Peter Best, Jr., | L. F. Johnson, | R. C. Simmons, |

| | | |
|---|---|---|
| Joe F. Bosworth, | Wm. F. Klair, | Hub L. Stevens, |
| N. B. Chipman, | Virgil McKnight, | Harry Weitkamp, |
| Lawrence J. Diskin, | M. H. McLean, | T. A. Weldon—20. |
| Thomas Drewry, | Chris Mueller, | |

Resolved that the title thereof be as follows, viz.:

An act to amend section 2560 of the Kentucky Statutes, it being a portion of article 1, of chapter 81, of the Kentucky Statutes, entitled "Liquors—Intoxicating."

Mr. Redwine moved that the vote by which said vote was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

And then the House adjourned until 3 o'clock this afternoon.

## AFTERNOON SESSION.

At 3 o'clock p. m. the House met pursuant to adjournment.

Mr. J. T. Wilson offered the following resolution, viz.:

Whereas, the Louisville Commercial Club has arranged for the homing-coming visit of the thousands of Kentuckians and their children, who have made their homes in other States, and provided for a home-coming with celebration to be held at Louisville June 13th to 17th, inclusive,

Be it resolved, That the House of Representatives of Kentucky express its due interest in and sympathy with the plan and purpose of this merry home gathering. The sun shines bright in the old Kentucky home, and our hearts and homes are open wide to welcome home the sons and daughters of the State whose lots and lives have been cast with others.

Said resolution was agreed to.

A message was received from the Senate announcing that they had concurred in an amendment proposed by the House of Representatives to a bill which originated in the Senate, entitled

S. B. 106. An act to repeal and re-enact section 2554 of Kentucky Statutes as adopted, being a part of chapter 81, article 1, and being a portion of the Act of March 10, 1894.

And that they had passed said bill as amended.

That they had passed bills of the following titles, viz.:

(1) S. B. 70. An act to provide an appropriation for the erection and equipment of a building for the Normal Department of the Agricultural and Mechanical College of Kentucky, and to provide for granting certificates to teach in the public schools by said department.

(2) S. B. 256. An act to provide against the evils resulting from the traffic in certain drugs, and to regulate the sale thereof.

Said bills were ordered to be printed, and were by the Speaker referred:

One, to the Committee on A. and M. College.

Two, to the Committee on Judiciary.

Mr. Nall, of the Committee on Enrollments, reported that they had examined and found correctly enrolled bills and joint resolutions of the following titles, viz.:

H. Res. 20. Resolution providing for a commission to revise the laws governing the public printing and directing them to report to the next session of the General Assembly, and providing for their compensation.

H. Res. 21. Resolution authorizing a revision and recommendation of insurance laws, and authorizing the appointment of a commission therefor.

H. B. 103. An act to provide for paying the expenses of the State Superintendent when visiting different parts of the State in the interest of education.

H. B. 47. An act to amend section 1155 of the Kentucky Statutes.

H. B. 47. An act to amend section 9, 11 and 13 of an act, entitled "An act for the government of cities of the second class in the Commonwealth of Kentucky," approved March 19, 1894, said sections being 3050, 3052 and 3054, respectively, of the Kentucky Statutes.

H. B. 140. An act to amend section 1 of an act, entitled "An act regulating the holding of circuit courts in cities larger than county seat and located not less than twelve miles from the county seat."

Thereupon all other business was suspended and said bills and joint resolutions were severally read at length and examined in open session. And, being found correctly enrolled, the Speaker, in open session, in presence of the House, affixed his signature thereto.

Ordered, that the enrolling clerk deliver same to the Senate.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 173. An act relating to boundary of graded common school, amending section 4482 of the Kentucky Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 4482 of Kentucky Statutes be amended to read as follows:

"The board of trustees in any graded common school district where the tax has been voted shall cause to be levied and collected an annual ad valorem tax, in any sum exceeding the amount voted for in said district under the provisions of this law, upon each one hundred dollars worth of property of every kind and character, having value and owned by any white person, company or corporation sub-

ject to taxation within the limits of said graded common school district; or shall cause to be levied annually a poll tax in any sum not exceeding the amount voted in said district under this law on each white male citizen residing within the limits of any graded common school district over twenty-one years of age, or both an ad valorem and a poll tax, if so voted at said election: Provided, No levy shall be made under the provisions of this law later than the close of the fiscal year in which the last county assessment shall have been made: Provided, further, That when the boundary line of such graded common school district shall divide the lands of any person whose homestead is within the said graded common school district, the tax shall be levied and paid on the entire tract to the graded district school where the homestead is situated: And it is further provided, In such cases, where any part of said farm is situated in any other school district of graded common school or common school, that said land so situated shall not be subject to taxation in that district. The board of trustees shall, out of the collections under each levy, by order set apart out of the collections of each levy a sufficient amount to pay interest for the year on any bonds issued, and the Treasurer shall pay the same, and in addition shall, out of the several levies, until entire payment of such bonds, set aside a sufficient amount as a sinking fund, when aggregated, to meet the principal of the bonds at maturity, which sinking fund shall be kept loaned, with ample security, or profitably invested, and shall be used for no other purpose than the payment of principal of such bonds. But if the board so order, a sinking fund, or any part thereof, may be used in the purchase of such bonds before maturity, except a sufficiency to pay interest on the outstanding bonds."

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in

accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | J. A. Frazier, | Ion B. Nall, |
| B. O. Becker, | M. T. Freeman, | C. M. Paynter, |
| Peter Best, Jr., | Taylor P. Gabbard, | J. M. Robertson, |
| Roger P. Blair, | W. J. Gooch, | Richard S. Rose, |
| H. Kirby Bourne, | A. J. Gorham, | J. T. Royalty, |
| W. T. Cain, | John C. Griffith, | Ed. H. Shellman, |
| M. F. Campbell, | B. P. Grigsby, Sr., | T. J. Slaton, |
| N. B. Chipman, | Paul Gullion, | Hub L. Stevens, |
| Bennett Clarke, | Albert Hamilton, | John A. Stevens, |
| W. D. Claybrooke, | C. W. G. Hannah, | Zeb. A. Stewart, |
| Sam. D. Cochran, | D. C. Hopper, | George W. Stone, |
| H. K. Cole, | W. J. Jackson, | Harry Weitkamp, |
| W. H. Cole, | L. F. Johnson, | W. T. White, |
| Henry M. Cox, | Wm. F. Klair, | John B. Wicker, |
| Ed. Croan, | H. M. McCarty, | Munnell Wilson, |
| Charles I. Dawson, | R. W. Miller, | W. T. Wright, |
| A. L. Denny, | Chris Mueller, | James C. Yaden, |
| Thomas Drewry, | Ed. Mulcahy, | Will A. Young—54. |

Those who voted in the negative were—

| | | |
|---|---|---|
| John Barr, | J. A. Hamon, | C. C. Terry—5. |
| Robert Enlow, | Emmet P. Slattery, | |

Resolved, That the title of said bill be as aforesaid.

Mr. Bourne moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 267. An act for the protection of English ring-neck. Mongolian and Chinese pheasants.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful, by any means whatever, to catch, kill or pursue with intent to kill, or have have same in possession after they have been so caught or killed, any English ring-neck, Mongolian, or Chinese pheasant. Provided nothing herein shall be construed to prevent the importation of such birds into this Commonwealth and the keeping of same in confinement for the purpose of raising, propagating and distributing them in this Commonwealth. Any person violating any of the provisions of this act shall, upon conviction, be punished by a fine of not less than $25 nor more than $100, and each of said birds so pursued, caught, killed, or had in possession shall constitute a separate offense.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | M. T. Freeman, | W. J. Jackson, |
| Louis W. Arnett, | Taylor P. Gabbard, | J. T. Royalty, |
| John Barr, | Lloyd W. Gates, | S. M. Russell, |
| W. G. Baxter, | W. J. Gooch, | Ed. H. Shellman, |
| B. O. Becker, | A. J. Gorham, | R. C. Simmons, |
| Peter Best, Jr., | John C. Griffith, | Emmet P. Slattery, |
| Roger P. Blair, | B. P. Grigsby, Sr., | W. H. Southall, |
| Joe F. Bosworth, | Paul Gullion, | Hub L. Stevens, |
| H. Kirby Bourne, | W. C. Halbert, | John A. Stevens, |
| J. C. Byland, | Albert Hamilton, | Zeb. A. Stewart, |
| W. T. Cain, | J. A. Hamon, | George W. Stone, |
| J. A. Frazier, | C. W. G. Hannah, | C. C. Terry, |

M. F. Campbell,
N. B. Chipman,
Bennett Clarke,
J. W. Clay,
Sam. D. Cochran,
H. K. Cole,
W. H. Cole,
Henry M. Cox,
Charles I. Dawson,
A. L. Denny,
Lawrence J. Diskin,
Thomas Drewry,
Robert Enlow,
L. F. Johnson,
W. H. Jones,
H. M. McCarty,
M. H. McLean,
R. W. Miller,
Chris Mueller,
James S. Morris,
Ed. Mulcahy,
Henry G. Overstreet,
C. M. Paynter,
J. M. Robertson,
Richard S. Rose,
A. J. Thompson,
C. F. Thornton,
Harry Weitkamp,
T. A. Weldon,
W. T. White,
John B. Wicker,
J. T. Wilson,
Wm. Wilt,
J. Hal Woodford,
W. T. Wright,
James C. Yaden,
Will A. Young—73.

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

Mr. Robertson moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 459. An act to amend section 418a, chapter 23 of the Kentucky Statutes.

With an amendment proposed thereto by the committee.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the State of Kentucky be, and the same is hereby laid off into eleven Congressional Districts, to-wit: The first district shall be composed of the counties of Ballard, Caldwell, Calloway, Carlisle, Crittenden, Fulton, Graves, Hickman, Livingston, Lyon, Marshall, McCracken and Trigg.

The second district shall be composed of the counties of Chris-

tian, Daviess, Hancock, Henderson, Hopkins, McLean, Ohio, Union and Webster.

The third district shall be composed of the counties of Allen, Barren, Edmonson, Logan, Metcalfe, Muhlenberg, Simpson, Todd and Warren.

The fourth district shall be composed of the counties of Breckinridge, Bullitt, Butler, Grayson, Green, Hardin, Hart, Larue, Marion, Meade, Nelson, Taylor and Washington.

The fifth district shall be composed of the county of Jefferson.

The sixth district shall be composed of the counties of Boone, Campbell, Carroll, Gallatin, Grant, Kenton, Pendleton and Trimble.

The seventh district shall be composed of the counties of Bourbon, Fayette, Franklin, Henry, Oldham, Owen, Scott and Woodford.

The eighth district shall be composed of the counties of Anderson, Boyle, Garrard, Jessamine, Lincoln, Madison, Mercer, Rockcastle, Shelby and Spencer.

The ninth district shall be composed of the counties of Bracken, Bath, Boyd, Carter, Fleming, Greenup. Harrison, Lewis, Lawrence, Mason, Nicholas, Robertson and Rowan.

The tenth district shall be composed of the counties of Breathitt, lark, Elliott, Estill, Floyd, Johnson, Knott, Lee, Martin, Magoffin, Montgomery, Morgan, Menefee, Pike, Powell and Wolfe.

The eleventh district shall be composd of the counties of Adair, Bell, Casey, Clay, Clinton, Cumberland, Harlan, Jackson, Knox, Letcher, Leslie, Laurel, Monroe, Owsley, Perry, Pulaski, Russell, Wayne and Whitley.

The amendment as proposed by the commttee is as follows, viz.:

Strike Adair county from the eleventh district and add same to the third district.

Said amendment was disagreed to.

Mr. Chipman offered an amendment as follows, viz.:

Strike Pendleton county from the sixth district and add it to the ninth district.

Said amendment was disagreed to.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, and same engrossed, said bill was read the third time by its title and was rejected.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| N. B. Chipman, | W. J. Gooch, | C. C. Terry, |
| Henry M. Cox, | J. M. Robertson, | W. T. Wright, |
| Charles I. Dawson, | S. M. Russell, | Will A. Young—10. |
| Lloyd W. Gates, | | |

Those who voted in the negative were—

| | | |
|---|---|---|
| John Barr, | B. P. Grigsby, Sr., | Henry G. Overstreet, |
| E. Barry, | Paul Gullion, | C. M. Paynter, |
| B. O. Becker, | W. C. Halbert, | M. M. Redwine, |
| Peter Best, Jr., | Albert Hamilton, | J. T. Royalty, |
| Roger P. Blair, | J. A. Hamon, | Ed. H. Shellman, |
| Joe F. Bosworth, | C. W. G. Hannah, | Emmet P. Slattery, |
| H. Kirby Bourne, | D. C. Hopper, | W. W. Smith, |
| W. T. Cain, | W. J. Jackson, | W. H. Southall, |
| M. F. Campbell, | L. F. Johnson, | Hub L. Stevens, |
| Bennett Clarke, | W. H. Jones, | John A. Stevens, |
| W. D. Claybrooke, | Wm. F. Klair, | Zeb. A. Stewart, |
| H. K. Cole, | Geo. D. Litsey, | George W. Stone, |
| W. H. Cole, | H. M. McCarty, | A. J. Thompson, |
| A. L. Denny, | M. H. McLean, | C. F. Thornton, |
| Lawrence J. Diskin, | Henry C. Miller, | Harry Weitkamp, |
| Thomas Drewry, | R. W. Miller, | W. T. White, |
| Robert Enlow, | Chris Mueller, | John B. Wicker, |
| J. A. Frazier, | J. M. Mitchell, | Geo. S. Wilson, |
| M. T. Freeman, | V. W. Morris, | J. T. Wilson, |
| Taylor P. Gabbard, | James S. Morris, | Munnell Wilson, |
| A. J. Gorham, | Ed. Mulcahy, | Wm. Wilt, |
| John C. Griffith, | W. J. Osborne, | James G. Yaden--66. |

Mr. H. C. Miller moved that the vote by which said bill was rejected be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 498. An act to prevent sheriffs and deputy sheriffs from practicing law in cases triable by a jury and fixing a penalty.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any sheriff or deputy sheriff of this Commonwealth, while in office, to take a fee or in any manner engage in the practice of law in any case which is, or may be, triable by a jury. And any person so offending, upon conviction, shall be fined in any sum not less than twenty-five dollars and not more than one hundred dollars for each offense.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | M. T. Freeman, | M. M. Redwine, |
| John Barr, | Taylor P. Gabbard, | J. M. Robertson, |
| E. Barry, | Lloyd W. Gates, | J. T. Royalty, |
| W. G. Baxter, | A. J. Gorham, | S. M. Russell, |
| Charles C. Beard, | Paul Gullion, | Ed. H. Shellman, |
| B. O. Becker, | Albert Hamilton, | T. J. Slaton, |
| Peter Best, Jr., | J. A. Hamon, | Emmet P. Slattery, |
| Roger P. Blair, | C. W. G. Hannah, | W. H. Southall, |

| | | |
|---|---|---|
| H. Kirby Bourne, | D. C. Hopper, | John A. Stevens, |
| W. T. Cain, | W. J. Jackson, | Zeb. A. Stewart, |
| M. F. Campbell, | L. F. Johnson, | George W. Stone, |
| N. B. Chipman, | W. H. Jones, | C. C. Terry, |
| Bennett Clarke, | Geo. D. Litsey, | C. F. Thornton, |
| W. D. Claybrooke, | H. M. McCarty, | Harry Weitkamp, |
| Sam. D. Cochran, | M. H. McLean, | W. T. White, |
| W. H. Cole, | R. W. Miller, | John B. Wicker, |
| A. L. Denny, | Chris Mueller, | Geo. S. Wilson, |
| Lawrence J. Diskin, | J. M. Mitchell, | J. T. Wilson, |
| Thomas Drewry, | James S. Morris, | Munnell Wilson, |
| Robert Enlow, | Henry G. Overstreet, | W. T. Wright, |
| J. A. Frazier, | C. M. Paynter, | Will A. Young—63. |

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 401. An act to amend section 6, chapter 122, acts 1904, regulating the running of motor vehicles, upon public highways of this State and fixing a penalty for violation thereof and requiring registration and prescribing manner of numbering.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 6, chapter 122, acts 1904, entitled "An act to regulate the running of motor vehicles upon the public highways of this State, and fixing a penalty for the violation thereof, be amended by adding to said section the following: "It shall be the duty of every such person owning or running said vehicles to have the number of said vehicles displayed in a conspicuous place, in letters not under three inches in size, on both sides of the machine, not under three feet from the ground. The owners of said machines or machine, shall register the number of said machine or machines, with

the county clerk, in which he or she resides and shall register with the county clerk of each county his or her name and number of machine and place of residence, when passing through the county seat of any county in this State. The county clerk shall keep a book in which he shall keep said record subject to inspection at any time, and shall charge a registration fee of 50 cents for each registration, and shall issue a certificate of registration to each person so applying as prescribed aforesaid, said certificate shall at all times be subject to inspection by a driver." So that said section as amended shall read as follows:

"§ 6. Every motor vehicle, while in use on a public highway, shall be provided with good and efficient brakes and also with a suitable bell, horn or other signal, and be so constructed as to exhibit during the period necessary from or after sunset until not necessary before sun rise, a white light visible within a reasonable distance in the direction toward which vehicle is proceeding, and red light in reverse direction: Provided, That in case of heavy fog, if necessary, such light shall be displayed in daytime before sunset and after sunset.

"It shall be the duty of every such person, owning said vehicle, or vehicles, to have the number of said vehicle displayed in a conspicuous place, in letters not under three inches in size, on both sides of the machine, not under three feet from the ground. The owners of said machine or machines shall register the number of said machine or machines with the county clerk, in which he or she resides, and shall register with the county clerk of each county his or her name and number of machine and place of residence when passing through the county seat of any county in this State. The county clerk shall keep a book in which he shall keep said record, subject to inspection at any time, and shall charge a registration fee of 50 cents for each registration, and shall issue a certificate of registration to each person so applying, as prescribed aforesaid, and said certificate shall at all times be subject to inspection by a driver of said machine."

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill, at lengtth, being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

J. M. Alverson,
Louis W. Arnett,
John Barr,
E. Barry,
Charles C. Beard,
B. O. Becker,
Peter Best, Jr.,
Joe F. Bosworth,
H. Kirby Bourne,
W. T. Cain,
M. F. Campbell,
Bennett Clarke,
W. D. Claybrooke,
Sam. D. Cochran,
H. K. Cole,
W. H. Cole,
Henry M. Cox,
Ed. Croan,
Charles I. Dawson,
A. L. Denny,
Lawrence J. Diskin,
Thomas Drewry,
Robert Enlow,
J. A. Frazier,
Taylor P. Gabbard,
W. J. Gooch,
A. J. Gorham,
H. H. Griffin,
John C. Griffith,
B. P. Grigsby, Sr.,
Paul Gullion,
W. C. Halbert,
Albert Hamilton,
J. A. Hamon,
L. P. Head,
W. J. Jackson,
W. H. Jones,
Wm. F. Klair,
Geo. D. Litsey,
H. M. McCarty,
M. H. McLean,
Chris Mueller,
J. M. Mitchell,
James S. Morris,
Ed. Mulcahy,
Henry G. Overstreet,
C. M. Paynter,
M. M. Redwine,
J. M. Robertson,
J. T. Royalty,
S. M. Russell,
Ed. H. Shellman,
W. H. Southall,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
C. C. Terry,
A. J. Thompson,
C. F. Thornton,
T. A. Weldon,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson,
W. T. Wright,
James C. Yaden,
Will A. Young—68.

Those who voted in the negative were—

Emmet P. Slattery,
Harry Weitkamp—2.

Resolved, That the title of said bill be as aforesaid.

Mr. Frazier moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 270. An act to prohibit attorneys at law from soliciting fees.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any attorney at law to solicit fees or clients in person, or by letter. Any one violating the act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than ten nor more than two hundred dollars, and be at once disbarred from the further practice of law in any court in this Commonwealth. It shall be the duty of the circuit judge of any court before whom such an offender may be found guilty to at once enter an order disbarring said person from the further practice of law in any of the courts of this Commonwealth.

Mrs. McLean moved an amendment to said bill, as follows, viz.:

Strike out line 2, the word "fees" and insert in lieu thereof the word "employment."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensetd with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

J. M. Alverson,
John Barr,
E. Barry,
Charles C. Beard,
Peter Best, Jr.,
Joe F. Bosworth,
H. Kirby Bourne,
W. T. Cain,
M. F. Campbell,
N. B. Chipman,
Sam. D. Cochran,
H. K. Cole,
A. L. Denny,
Lawrence J. Diskin,
Robert Enlow,
J. A. Frazier,
Lloyd W. Gates,
W. J. Gooch,
A. J. Gorham,
H. H. Griffin,
B. P. Grigsby, Sr.,
Paul Gullion,
Albert Hamilton,
J. A. Hamon,
L. P. Head,
W. J. Jackson,
L. F. Johnson,
Wm. F. Klair,
Geo. D. Litsey,
H. M. McCarty,
M. H. McLean,
R. W. Miller,
J. M. Mitchell,
James S. Morris,
W. J. Osborne,
C. M. Paynter,
M. M. Redwine,
J. M. Robertson,
J. T. Royalty,
S. M. Russell,
T. J. Slaton,
Emmet P. Slattery,
John A. Stevens,
George W. Stone,
C. C. Terry,
A. J. Thompson,
Harry Weitkamp,
T. A. Weldon,
W. T. White,
Geo. S. Wilson,
Munnell Wilson,
James C. Yaden,
Will A. Young—53.

Those who voted in the negative were—

C. W. G. Hannah, D. C. Hopper, V. W. Morris—3.

Resolved, That the title of said bill be as follows, viz.:

An act to prohibit attorneys at law from solicting employment.

Mr. Young moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 158. An act to amend and re-enact chapter 57, section 1941, of the Kentucky Statutes, protecting wild geese, teal and wild duck.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1941, chapter 57 of the Kentucky Statutes be amended by striking out the word "April" and inserting in lieu thereof the word "May," so that said section when so amended shall read as follows:

"No person shall catch or kill, or pursue with such intent, or have the same in possession after it has been caught or killed, any wild goose, woodcock, teal or other wild duck, between the first day of May and the fifteenth day of August in each year.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | John C. Griffith, | J. T. Royalty, |
| Louis W. Arnett, | B. P. Grigsby, Sr., | S. M. Russell, |
| John Barr, | Albert Hamilton, | Ed. H. Shellman, |
| Charles C. Beard, | D. C. Hopper, | R. C. Simmons, |
| B. O. Becker, | W. J. Jackson, | T. J. Slaton, |
| H. Kirby Bourne, | L. F. Johnson, | Emmet P. Slattery, |
| N. B. Chipman, | W. H. Jones, | W. H. Southall, |
| Bennett Clarke, | Wm. F. Klair, | John A. Stevens, |
| Sam. D. Cochran, | Geo. D. Litsey, | Zeb. A. Stewart, |
| A. L. Denny, | H. M. McCarty, | George W. Stone, |
| Lawrence J. Diskin, | M. H. McLean, | C. C. Terry, |
| Thomas Drewry, | R. W. Miller, | T. A. Weldon, |
| Robert Enlow, | Chris Mueller, | W. T. White, |
| J. A. Frazier, | James S. Morris, | John B. Wicker, |
| M. T. Freeman, | Ed. Mulcahy, | Geo. S. Wilson, |
| Taylor P. Gabbard, | W. J. Osborne, | J. T. Wilson, |

| | | |
|---|---|---|
| Lloyd W. Gates, | C. M. Paynter, | Munnell Wilson, |
| W. J. Gooch, | M. M. Redwine, | James C. Yaden, |
| A. J. Gorham, | J. M. Robertson, | Will A. Young—57. |

Those who voted in the negative were—

| | | |
|---|---|---|
| Peter Best, Jr., | M. F. Campbell, | H. L. Cole—4. |
| W. T. Cain, | | |

Resolved, That the title of said bill be as aforesaid.

Mr. George S. Wilson moved that the vote by which said bill was passed be reconsidered, and said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 246. An act to amend section 4425 of the Kentucky Statutes, relative to examinations for teachers, county and State certificates and State diplomas.

Together with an amendment proposed thereto by the committee.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Beginning after the words "moral character of applicants," add the following, so that the section as amended shall read:

"All applicants for a teacher's county or State certificate or State diploma in the Commonwealth of Kentucky, immediately before entering upon examination, shall subscribe to the following oath, which shall be presented to them by any of the Board of Examiners, viz.: I do solemnly swear (or affirm) that I have not had access directly or indirectly, to the State Board or other questions to be used in this examination; and that I have no personal knowledge of any unlawful usage of the aforesaid questions by any other person or persons which knowledge I have not communicated to the

grand jury, county attorney or county superintendent of common schools of the county in which the aforesaid person or persons did unlawfully use or attempt to use said questions.

"The Superintendent of Public Instruction shall furnish each county superintendent in the Commonwealth with a sufficient number of copies of the oath prescribed in this act, printed on sheets with blank space below for names and addresses of applicants. Each copy, after being subscribed to by applicants as provided in this act, shall be dated and signed officially by the board of examiners and preserved in the office of the Superintendent of Public Instruction or county superintendent of common schools as a public record.

"Any Superintendent of Public Instruction or county superintendent of common schools, or board of examiners for teachers' county or State certificates or State diplomas failing to comply with the provisions of this act shall be guilty of a misdemeanor and upon conviction therefor shall be fined in a sum not less than fifty dollars nor more than one hundred dollars for each offense.

"That the provisions of this act shall become operative at as early a date as possible, an emergency is declared to exist, and therefore this act shall take effect from and after its passage and approval by the Governor."

Said amendment is as follows, viz.:

That the first section be amended by substituting the following:

"That section 4425 of the Kentucky Statutes, relative to the examination of teachers for county and State certificates and State diplomas, be amended to read as follows:

All applicants for teachers' county or State certificates or State diploma in the Commonwealth of Kentucky, immediately before entering upon examination shall subscribe to the following oath, which shall be presented to them by any of the board of examiners, viz.: I do solemnly swear (or affirm) that I have not had access, directly or indirectly, to the State Board or other questions to be used in this examination, and that I have no personal knowledge

of any unlawful usage of the aforesaid questions by any other person or persons which knowledge I have not communicated to grand jury, county attorney or county superintendent of schools of the county in which the aforesaid person or persons did unlawfully use or attempt to use said questions."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | W. J. Gooch, | C. M. Paynter, |
| Louis W. Arnett, | A. J. Gorham, | M. M. Redwine, |
| John Barr, | H. H. Griffin, | J. M. Robertson, |
| W. G. Baxter, | John C. Griffith, | J. T. Royalty, |
| Joe F. Bosworth, | B. P. Grigsby, Sr., | S. M. Russell, |
| H. Kirby Bourne, | Paul Gullion, | R. C. Simmons, |
| W. T. Cain, | D. C. Hopper, | T. J. Slaton, |
| M. F. Campbell, | W. J. Jackson, | Zeb. A. Stewart, |
| Bennett Clarke, | W. H. Jones, | George W. Stone, |
| W. D. Claybrooke, | Wm. F. Klair, | C. C. Terry, |
| Sam. D. Cochran, | H. M. McCarty, | Harry Weitkamp, |
| H. K. Cole, | M. H. McLean, | W. T. White, |
| A. L. Denny, | R. W. Miller, | John B. Wicker, |
| Lawrence J. Diskin, | Chris Mueller, | Geo. S. Wilson, |
| Thomas Drewry, | J. M. Mitchell, | J. T. Wilson, |
| Robert Enlow, | V. W. Morris, | Munnell Wilson, |
| J. A. Frazier, | James S. Morris, | W. T. Wright, |
| Taylor P. Gabbard, | W. J. Osborne, | James C. Yaden—55. |
| Lloyd W. Gates, | | |

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

Mr. Redwine moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 400. An act to require operators of certain ferries across the Ohio river to provide waiting rooms for their passengers.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Every person, corporation, company or association operating, or that shall operate, across the Ohio river any ferry boat or boats, operated by steam or other like power, shall furnish and maintain a waiting room, either floating or stationary, on the Kentucky shore, not less than three hundred feet from the ferry landing, and sufficient to accommodate and protect from bad weather, or heat or cold, the passengers desiring and intending to use the boats of such ferry for transportation.

§ 2. Any failure for sixty days after this act takes effect to comply with the terms thereof shall be punished by a fine of twenty-five dollars for each day such failure continues.

Mr. James S. Morris offered the following amendment to said bill, viz.:

Amend House Bill No. 400:

(1) By striking out of line 5 the word "less" and inserting in lieu thereof the word "more"; and

(2) By inserting in line 2, after the word "Ohio," the words "or Mississippi"; and

(3) By striking out section 2 and inserting in lieu thereof the following:

"Sec. 2. After sixty days from the time this act takes effect, any failure to comply with the terms hereof shall be punished by a fine of twenty dollars for each day such failure continues, same to be recovered by warrant or indictment in the court having jurisdiction."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | Lloyd W. Gates, | J. M. Robertson, |
| Louis W. Arnett, | W. J. Gooch, | J. T. Royalty, |
| John Barr, | A. J. Gorham, | S. M. Russell, |
| Joe F. Bosworth, | B. P. Grigsby, Sr., | R. C. Simmons, |
| H. Kirby Bourne, | Paul Gullion, | T. J. Slaton, |
| W. T. Cain, | L. P. Head, | W. H. Southall, |
| M. F. Campbell, | D. C. Hopper, | John A. Stevens, |
| N. B. Chipman, | Wm. F. Klair, | George W. Stone, |
| W. D. Claybrooke, | Geo. D. Litsey, | C. C. Terry, |
| Sam. D. Cochran, | H. M. McCarty, | A. J. Thompson, |
| H. K. Cole, | M. H. McLean, | Harry Weitkamp, |
| Henry M. Cox, | R. W. Miller, | W. T. White, |
| A. L. Denny, | Chris Mueller, | John B. Wicker, |
| Lawrence J. Diskin, | J. M. Mitchell, | Geo. S. Wilson, |
| Thomas Drewry, | James S. Morris, | J. T. Wilson, |
| Robert Enlow, | W. J. Osborne, | Munnell Wilson, |
| J. A. Frazier, | C. M. Paynter, | W. T. Wright, |
| Taylor P. Gabbard, | M. M. Redwine, | James G. Yaden—53. |

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

Mr. James S. Morris moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

H. B. 70. An act to amend section 3176 of the Kentucky Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 3176, Kentucky Statutes, be amended by striking out the words "sixteenth of September," and substituting therefor the words "first of September. So that said section, as amended, shall read: "The fiscal year shall end at 12 o'clock at night on the 31st of December of each year. All property shall be assessed as of the first of September of each year, and there shall exist from that day a lien on all property subject to taxation to the city for the ad valorem taxes for the fiscal year, commencing on the first day of January next ensuing, including all penalties and interest that may be added thereto, or accrue thereon, superior to all other liens, encumbrances and interest."

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | H. H. Griffin, | J. T. Royalty, |
| Louis W. Arnett, | B. P. Grigsby, Sr., | S. M. Russell, |
| John Barr, | Paul Gullion, | R. C. Simmons, |
| W. G. Baxter, | L. P. Head, | T. J. Slaton, |
| Peter Best, Jr., | D. C. Hopper, | Emmet P. Slattery, |
| M. F. Campbell, | L. F. Johnson, | W. H. Southall, |
| N. B. Chipman, | Wm. F. Klair, | Zeb. A. Stewart, |
| Bennett Clarke, | Geo. D. Litsey, | A. J. Thompson, |
| Sam. D. Cochran, | H. M. McCarty, | C. F. Thornton, |
| H. K. Cole, | M. H. McLean, | Harry Weitkamp, |
| A. L. Denny, | R. W. Miller, | John B. Wicker, |
| Lawrence J. Diskin, | J. M. Mitchell, | Geo. S. Wilson, |
| Thomas Drewry, | James S. Morris, | Munnell Wilson, |
| J. A. Frazier, | W. J. Osborne, | W. T. Wright, |
| Taylor P. Gabbard, | Henry G. Overstreet, | James C. Yaden, |
| Lloyd W. Gates, | M. M. Redwine, | J. A. Yates, |
| W. J. Gooch, | J. M. Robertson, | Speaker Lwrence—52. |
| A. J. Gorham, | | |

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

The House took up for consideration from the orders of the day a bill, entitled

H. B. 13. An act to further regulate corporations not created under the laws of this Commonwealth which do business in the State.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Every corporation not created under the laws of this Commonwealth, which does business in this Commonwealth, and all of its stockholders, directors, officers, servants and agents, shall be jointly liable for all torts done by it and for all contracts made by it in this State.

§ 2. The plaintiff in any action may, at his election, join as defendants thereto as many of said persons as he deems proper.

§ 3. This act shall not apply to any corporation created under the laws of this Commonwealth, which does business in this Commonwealth only in its capacity as a corporation created under the laws of this Commonwealth.

Mr. Gates offered an amendment to said bill as follows, viz.:

Strike out the words "directors, officers, servants and agents."

Mr. Redwine offered an amendment to said bill as follows, viz.:

Strike out the word "servants."

Mr. Stewart offered an amendment as follows, viz.:

Strike out the enacting clause.

Mr. Simmons moved that said bill and amendments be re-committed to the Committee on Rules.

Said motion was agreed to.

And then the House adjourned until 10:00 o'clock to-morrow morning.

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FRIDAY, MARCH 9, 1906.

The House opened with prayer by the Rev. M. B. Adams of the Baptist church at Frankfort, Kentucky.

The reading of the Journal of yesterday's proceedings was dispensed with and the same was approved.

Mr. Redwine offered the following resolution, viz.:

Whereas, as there was furnished to the chairman of each committee of the House and Senate a Kentucky Statute and Code; and,

Whereas, the same will be second-hand books and worth but little to the State of Kentucky; therefore,

Be it resolved that the State Librarian be authorized to sell said books to each of said committeemen at the price of three dollars who may want to purchase or retain same and pay the amount to the State Treasurer realized on said books.

Mr. McKnight offered an amendment to said resolution, viz.:

Strike out three dollars and insert four dollars.

Said amendment was disagreed to.

Said resolution was agreed to.

A message was received from the Senate announcing that they had passed bills which originated in the House of the following titles, viz.:

H. B. 61. An act relating to annulling charters of towns of the sixth class.

H. B. 112. An act to establish a system of State normal schools in Kentucky, to create a board of regents for the general management thereof; to create a normal executive council, which shall determine the requirements for admission and graduation and the course of study for the said schools; to create a commission which shall determine the location of said schools and to appropriate funds for their maintenance.

H. B. 176. An act to amend chapter 35, section 1031, of the edition of the Kentucky Statutes compiled and edited by John D. Carroll and issued in 1903.

H. B. 255. An act to amend an act, entitled An act for the government of cities of the first class, approved July 1, 1893.

H. B. 334. An act to amend an act, entitled An act to create a Board of Penitentiary Commissioners and to regulate the penal

institutions of the Commonwealth, which became a law March 5, 1898, without the approval of the Governor.

H. B. 358. An act to amend and re-enact section 3140, Kentucky Statutes.

That they had passed bills of the following titles, viz.:

(1) S. B. 273. An act relating to fiscal courts and providing a condition upon which accounts against any county may be paid.

(2) S. B. 296. An act to amend an act for the benefit of Kuttawa common school district, in Lyon county, which was approved May 1, 1884.

(3) S. B. 188. An act to increase the efficiency of the office of the Inspector of Mines and afford greater protection to the lives and health of all persons employed in the coal mines of this State, and to provide for the inspection of mine scales and of miners' oil.

(4) S. B. 247. An act to amend sections 41 and 42 of chapter 4 of Kentucky Statutes, Carroll's edition.

Said bills were ordered to be printed and were by the Speaker referred

One to the Committee on Education No. 2; two to the Committee on County and City Courts; three to the Committee on Mines and Mining; four to the Committee on Appropriations.

The House took up for consideration from the orders of the day a bill, entitled

S. B. 113. An act to amend section 822, subdivision 3, of article 5, chapter 32, entitled "Corporations," of the Kentucky Statutes, together with an amendment proposed thereto b the committe.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 822, subsection 3, of article 5, of chapter 32, entitled "Corporations," of the Kentucky Statutes, be, and the same is hereby, amended by adding after the word "secretary," in line 3, and before the word "at," of said section 822, the words, "one rate clerk at a salary of twelve hundred dollars per year, and one stenographer at a salary of one thousand dollars per year," and by striking out the words, "two thousand," in line 6, and by inserting the words, "twenty-five hundred dollars," and by adding at the end of said section the following:

"And except that each railroad corporation in the Commonwealth shall bear that portion of said traveling expenses incurred by said commissioners for transportation over its lines, and shall either pay same to the Auditor, to be covered into the Treasury, or in lieu thereof may issue to the Commonwealth, for the use of each of said commissioners, rate clerk and stenographer, written or printed authority entitling them to be transported over their respective lines when engaged in the discharge of their official duties, without charge or compensation," so that said section as amended and reenacted shall read as follows:

"§ 822. The office of the commission shall be at the seat of the government and they shall be provided with suitable offices, furniture and stationery by the State, and may appoint a secretary, one rate clerk at a salary of twelve hundred dollars per year, and one stenographer at a salary of one thousand dollars per year, which shall be paid by the State. Each commissioner shall, before entering upon the duties of office, take an oath to discharge faithfully the duties of his office; and they shall each receive an annual salary of twenty-five hundred dollars, and their actual necessary traveling expenses while engaged in the discharge of their duties which, togther with the salaries of the secretary, rate clerk and stenographer, shall be paid in the same manner as the salary of the Governor, except that before any expenses are paid the chairman of the commission shall file with the Auditor an itemized statement of said expenss, signed by him and approved by the Governor, which statement shall be

filed before any warrant can be issued therefor, and except that each railroad corporation in the Commonwealth shall bear that portion of said traveling expenses incurred by said commissioners for transportation over its lines, and shall either pay same to the Auditor, to be covered into the Treasury, or in lieu thereof may issue to the Commonwealth, for the use of each of said commissioners, rate clerk and stenographer, written or printed authority entitling them to be transported over their respective lines when engaged in the discharge of their official duties, without charge or compensation."

§ 2. Whereas the work and duties of the railroad commission have been very greatly increased and said commission now has under investigation all rates upon all railroads to and from all points in Kentucky, and there is an urgent need for the relief herein given to enable said commission to properly discharge its duties, an emergency is therefore declared to exist, and this act shall take effect from and after its final passage.

Said amendment is as follows, viz.:

Amend by striking out of lines four, five and six the following: "One rate clerk at a salary of twelve hundred dollars per year and one stenographer at a salary of one thousand dollass per year," and by inserting in lieu thereof the following: "One stenographer at a salary of twelve hundred dollars per year and one rate clerk at a salary of eighteen hundred dollars a year," and by striking out of lines seven and eight the words "twenty-five hundred dollars" and inserting in lieu thereof the following, "three thousand dollars, except the chairman, who shall receive thirty-six hundred dollars per annum," and by striking out of lines twenty, twenty-one and twenty-two the following, "and may appoint a secretary, one rate clerk at a salary of twelve hundred dollars per pear and one stenographer at a salary of one thousand dollars per year," and inserting in lieu thereof the following, "and may appoint a secretary and one stenographer at a salary of twelve hundred dollars per year each, and one rate clerk at a salary of eighteen hundred dollars per year," and by striking out of line twenty-five the words,

"twenty-five hundred dollars" and inserting in lieu thereof the following, "three thousand dollars, except the chairman, who shall receive a salary of thirty-six hundred dollars per annum."

Said amendment was concurred in.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed as amended.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | Taylor P. Gabbard, | Richard S. Rose, |
| John Barr, | Lloyd W. Gates, | J. T. Royalty, |
| E. Barry, | W. J. Gooch, | S. M. Russell, |
| W. G. Baxter, | A. J. Gorham, | R. C. Simmons, |
| Charles C. Beard, | H. H. Griffin, | T. J. Slaton, |
| B. O. Becker, | John C. Griffith, | Emmet P. Slattery, |
| Peter Best, Jr., | B. P. Grigsby, Sr., | W. W. Smith, |
| Joe F. Bosworth, | Paul Gullion, | W. H. Southall, |
| H. Kirby Bourne, | James A. Hagan, | Hub L. Stevens, |
| W. T. Cain, | W. C. Halbert, | John A. Stevens, |
| M. F. Campbell, | Albert Hamilton, | Zeb. A. Stewart, |
| J. W. Clay, | C. W. G. Hannah, | A. J. Thompson, |
| W. D. Claybrooke, | L. F. Johnson, | C. F. Thornton, |
| H. K. Cole, | W. H. Jones, | Harry Weitkamp, |
| W. H. Cole, | Wm. F. Klair, | T. A. Weldon, |
| Henry M. Cox, | Geo. D. Litsey, | W. T. White, |
| Ed. Croan, | Virgil McKnight, | John B. Wicker, |
| Henry W. Curle, | R. W. Miller, | Geo. S. Wilson, |
| Charles I. Dawson, | J. M. Mitchell, | J. T. Wilson, |
| A. L. Denny, | Ion B. Nall, | Munnell Wilson, |
| Lawrence J. Diskin, | W. J. Osborne, | J. Hal Woodford, |
| Thomas Drewry, | Henry G. Overstreet, | W. T. Wright, |
| W. Reed Embry, | M. M. Redwine, | James C. Yaden, |
| J. A. Frazier, | J. M. Robertson, | Will A. Young—73. |

Those who voted in the negative were—

| | | |
|---|---|---|
| J. M. Alverson, | J. A. Hamon, | Ed. Mulcahy, |
| Roger P. Blair, | W. J. Jackson, | C. M. Paynter, |
| N. B. Chipman, | Henry C. Miller, | John R. Ray, |
| Robert Enlow, | V. W. Morris, | C. C. Terry—12. |

Resolved that the title of said bill be as aforesaid.

Mr. Arnett moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill, entitled

S. B. 165. An act to amend sections 2241, 2242, 2243 and repealing and providing a substitute for section 2247 of the Kentucky Statutes, compiled and edited by John D. Carroll and issued in the year 1903, said sections being a part of article 1, chapter 72 of the Kentucky Statutes and entitled "Juries."

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section two thousand two hundred and forty-one of the Kentucky Statutes, compiled and edited by John D. Carroll and issued in the year one thousand nine hundred and three be, and the same is hereby, amended and re-enacted by striking out the words "one hundred and twenty-five," and by striking out the words "two hundred" and inserting in lieu thereof the words, "one hundred and fifty;" and by striking out the words, "two hundred and fifty" and inserting in lieu thereof the words, "one hundred and fifty;" and by striking out the words, "three hundred and fifty" and inserting in lieu thereof "three hundred;" by striking out the words, "Each name so selected they shall write, in plain handwriting, on a small slip of paper, each slip being as near the same size and

appearance as practicable; and each slip with the name thereon," and adding and inserting in lieu thereof the words, "In counties having circuit courts of continuous sessions, wherein part of the sessions are authorized to be held in a city of the second class, not the county seat of the county, the court shall have a separate drum or wheel case for use at such county seat and commissioners shall be appointed as herein provided, who shall select not less than one hundred and twenty-five nor more than one hundred and fifty of such names. They shall write each name and, in counties having cities of the first, second or third classes, the address of the person selected, in plain hand writing, on a small slip of paper, each slip being as near the same size and appearance as practicable, and each slip with the name, and, when provided herein, the address written thereon;" and by striking out the word "twenty" and inserting in lieu thereof the words "twenty-four," and by again striking out the word "twenty" and inserting in lieu thereof the word "twenty-four"; and by striking out the word "thirty" and inserting in lieu thereof the words "not less than thirty nor more than thirty-six;" by striking out the words "circuit courts divided into branches shall have one commissioner for each division requiring the service of a jury therein, to be appointed and qualified by the judge thereof; and said commissioners so appointed in such courts shall act jointly in the selection of jurors and juries in the manner above provided for each division of said circuit court wherein the services of a jury are required; and each of such divisions of said court shall have a separate drum or wheel case, which said commissioners shall use in making up the juries and selecting jurors in the manner above provided for said divisions respectively;" and inserting in lieu thereof the words, "circuit courts divided into two divisions shall have two commissioners for each division requiring the services of a jury therein, and circuit courts divided into more than two divisions shall have one commissioner for each division requiring the services of a jury therein, to be appointed and qualified by the judge thereof. Circuit courts having two divisions shall have but one drum or wheel case, and circuit courts having more than two di-

visions shall have a separate drum or wheel case for each division, which said commissioners shall use in making up the juries and selecting jurors in the manner above provided for said divisions respectively," so that said section two thousand two hundred and forty-one, when amended and re-enacted shall read as follows:

"Section 2241. The circuit judge of each county shall, at the first regular term of circuit court therein after this act takes effect, and annually thereafter, appoint three intelligent and discreet housekeepers of the county over twenty-one years of age, resident in different portions of the county, and having no action in court requiring the intervention of a jury, as jury commissioners for one year, who shall be sworn in open court to faithfully discharge their duty. They shall hold their meetings in some room, to be designated by the judge, and, while engaged in making the lists of juries and selecting the names, writing and depositing or drawing them from the drum or wheel case, no person shall be permitted in said room with them.

"They shall take the last returned assessor's book for the county, and from it shall carefully select, from the intelligent, sober, discreet and impartial citizens, resident housekeepers in different portions of the county, over twenty-one years of age, the following number of names of such persons, to-wit:

"In counties having a population of ten thousand or less, not less than one hundred and twenty-five nor more than one hundred and fifty; in counties having a population of more than ten thousand and not exceeding twenty thousand; not less than one hundred and fifty nor more than three hundred; in counties having a population exceeding twenty thousand and not exceeding fifty thousand, not less than five hundred nor more than six hundred; in counties having a population exceeding fifty thousand and not exceeding one hundred thousand, one thousand; and in counties having a population exceeding one hundred thousand, and its circuit court divided into branches, two thousand for each division of the court requiring the services of a jury.

"In counties having circuit courts of continuous sessions, wherein part of the sessions are authorized to be held in a city of the second class, not the county seat of the county, the court shall have a separate drum or wheel case for use at such county seat, and commissioners shall be appointed as herein provided, who shall select not less than one hundred and twenty-five nor more than one hundred and fifty of such names.

"They shall write each name, and in counties having cities of the first, second or third classes, the address of the person so selected, in plain handwriting, on a small slip of paper, each slip being as near the same size and appearance as practicable, and each slip with the name, and when provided herein, the address, written thereon, shall be by them enclosed in a small case, made of paper or other material, and deposited, unsealed, in the revolving drum or wheel case hereinafter provided for, but upon depositing any of said slips in said drum or wheel case, they shall carefully examine its contents, and remove therefrom and destroy any slips found therein. When said slips have been deposited in said drum or wheel case, it shall be locked and revolved, or so shaken as to thoroughly mix said slips; then it shall be unlocked, and they shall draw therefrom a sufficient number of names to procure twenty-four persons, qualified as hereinafter provided, to act as grand jurors; and if, in doing this, the name of any person not qualified to act as grand juror is drawn, the same shall be returned to the drum or wheel case. Said names shall be drawn one by one, and only the names of those qualified shall be recorded on paper until the twenty-four are secured; and said lists shall be certified, signed and inclosed by them in an envelope made of good paper, and it shall be sealed, and their names written across the seal thereof and directed to the judge of the circuit court, adding the words 'criminal division' when said circuit court is divided into branches, and endorsed 'a list of the grand jury for the —— circuit court, to be held in the month of ——, in the year ——,' adding the words 'criminal division' after the words 'circuit court' when there are

branches of the circuit court, from which list the next grand jury for said county shall be impaneled, as hereinafter directed. After completing the list of grand juries, they shall lock said drum or wheel case, and revolve or shake it so as to thoroughly mix the slips remaining therein, and then unlock the same and draw therefrom, one by one, the names of not less than thirty nor more than thirty-six persons as the judge of the court may direct, and record the same upon paper as drawn, which, in like manner, shall be certified, signed and inclosed by them in an envelope made of good paper, and it shall be sealed, and their names written across the seal thereof, and directed to the judge of the circuit court, adding the name of the division into branches, and indorsed: 'A list of the petit jury for the .....circuit court, to be held in the month of.....in the year.....,' adding the name of the division court for which said jury is selected, in cases when the circuit court is divided into branches, from which list the next petit jury for said county in said court shall be selected and impaneled as hereinafter directed. The slips of paper upon which are written the names of persons placed by said commissioners upon the lists of grand and petit jurors shall be destroyed by the commissioners as soon as the names are recorded on said lists. Circuit courts divided into two divisions shall have two commissioners for each division requiring the services of a jury therein, and circuit courts divided into more than two divisions shall have one commissioner for each division requiring the services of a jury therein, to be appointed and qualified by the judge thereof.

"Circuit courts having two divisions shall have but one drum or wheel case, and circuit courts having more than two divisions shall have a separate drum or wheel case for each division, which said commissioners shall use in making up the juries and selecting jurors in the manner above provided for said divisions respectively; but no grand jury lists shall be made or grand jurors drawn by said commissioners, or any one else, for any other than the criminal division of a circuit court having branches.

"When the commissioners have completed the list of jurors, they shall lock the drum or wheel case containing the remaining names, and deliver it and the key thereto, said sealed list or lists and all slip cases not used, to the judge of the circuit court for which said jurors are selected, who shall deliver them, except the key, to the circuit court clerk, in open court, and at the time administer to him and his deputies the following oath, to-wit: 'You do solemnly swear that you will not open this drum or wheel case, except in open court, under the direction of the judge of this court, and that you will not open the envelopes containing the list of petit (or grand and petit juries, as the case may be), for the session of this court to be held in the month of ....., in the year of ..... until the time fixed by law; that you will not, directly or indirectly, converse with any one selected as a petit juror concerning any suit for trial in this court at its next term, unless by leave of court.' Should the clerk subsequently, in vacation, appoint a deputy, he shall administer to him a like oath; and if the clerk or any other person, except as herein provided, shall open or unlock or break into or in any way willfully injure the wheel or drum, or lock thereof, or, except as herein provided, shall willfully open or break the seal of the envelopes containing the jury list or lists, the person so offending shall be guilty of felony, and punished by confinement in the penitentiary for not less than one nor more than five years."

§ 2. That section two thousand, two hundred and forty-two of the Kentucky Statutes be, and the same is hereby, amended and reenacted by striking out the words "two days, except in counties having a population of over fifty thousand, and not exceeding one hundred thousand, they may remain in session three days, and in counties having a population of more than one hundred thousand, they may remain in session five days," and in lieu thereof inserting the words "five days, except that in counties having a population of over fifty thousand, they may remain in session ten days;" so that section two thousand two hundred and forty-two, when amended and reenacted, shall read as follows:

"Section 2242. The commissioners shall remain in session not

longer than five days, except that in counties having a population of over fifty thousand, they may remain in session ten days, and they shall each receive for his services two dollars per day for the time actually engaged, the claim for which shall be certified by the judge appointing him and paid by the State Treasurer upon the voucher of the Auditor of State. If, for any cause, either of the persons selected as a commissioner can not serve, or, having commenced, can not complete his labors, the judge appointing him may appoint another person of like qualifications in his place. If, at any time, it becomes apparent to the judge of any court that the names in the drum or wheel case for said court will be exhausted before the next annual selection of commissioners, the judge by an order entered of record, shall reconvene the commissioners, who shall select and place in said drum or wheel case, as hereinbefore provided, the number of names of qualified grand and petit jurors stated in the order of the judge reconvening them, and the judge may, if he deem it necessary, require by an order of court, the attendance of one of said commissioners at the time that the judge shall make up the lists of juries for his court as hereinafter provided. Neither of them shall be appointed for the next year.

§ 3. That section two thousand two hundred and forty-three of the Kentucky Statutes be, and the same is hereby, amended and reenacted by inserting after the words "circuit court" the words "of circuit courts having terms;" by striking out the words "or in cases of courts having continuous sessions, during the first week of each month that the court is in session, within one year from the first of the month in which said commissioners were appointed," by inserting after the word "shall" the words "in open court;" by striking out the word "twenty" wherever it appears in said section and inserting in lieu thereof the words "twenty-four;" by striking out the word "thirty" where it first appears in said section and inserting in lieu thereof the words "not less than thirty nor more than thirty-six;" by adding and inserting after the words "sign it" the words "in courts having continuous sessions the judge shall, in open court,

on Monday before the Monday upon which they shall be summoned to appear draw from said drum or wheel case a sufficient number of names to procure twenty-four persons, in the discretion of the judge, qualified as hereinafter prescribed, to act as grand jurors, and record the names of the twenty-four qualified, upon paper, and certify and sign it, and in such courts the judge shall, in open court, every two weeks on Monday next before the Monday upon which they shall be summoned to appear, draw from the drum or wheel case the names of not less than thirty nor more than thirty-six persons in the discretion of the judge to act as petit jurors, record their names on paper certify and sign it. The names of all persons drawn as grand and petit jurors shall be publicly announced, when drawn and entered of record in the order drawn;" by striking out the words "and he" and inserting in lieu thereof the words "the judge;" by adding and inserting after the word "term" the words "and in courts having continuous sessions, the weeks;" by striking out the words "and from the list of not less than thirty nor more than thirty-six names the next petit jury shall be drawn as hereinafter directed;" and in lieu thereof inserting the words "and from the list of not less than thirty nor more than thirty-six names not less than twenty-four nor more than thirty jurors shall be selected, in the discretion of the judge who shall constitute the regular panel of the next petit jury;" by striking out the words "the judge, when he draws the jury, shall not permit any one to see any name, nor shall he divulge the name of any person drawn on any jury, except that the judge may require one of the commissioners to attend and assist him when he draws the jury and makes the list, if he deems it necessary;" by adding to said section at the end thereof the words "sessions of a court having continuous sessions, held at the county seat of a county in which there is a city of the second class, at which part of its sessions are authorized to be held, shall be deemed terms of court within the meaning of this section. In circuit courts having continuous sessions and more than one judge, if the judge of any division be absent from the court, or can not attend upon the day provided for the drawing of names for

juries, any judge of any division of said court may attend and draw the names for such juries in the manner above provided, and in circuit courts having continuous sessions and only one judge, if such judge be absent from the court, or can not attend upon the day provided for the drawing of names for juries, he shall draw the names for the juries as herein provided, upon the first day thereafter upon which he shall attend. Any special judge, presiding at a term of court at which the regular judge is absent, or over any division of a circuit court having continuous sessions, may draw the names for said juries in the manner above provided," so that said section, when amended and re-enacted, shall read as follows:

"Section 2243. At each term of circuit court, of circuit courts having terms, within one year after the commencement of that at which said commissioners were appointed, the judge of the court shall, in open court, draw from said drum or wheel case a sufficient number of names to procure the names of twenty-four persons qualified as hereinafter prescribed, to act as grand jurors, and record the names of the twenty-four qualified upon paper, and certify and sign it, and shall also, after having locked and revolved or shaken said drum or wheel case, re-open it and draw therefrom the names of not less than thirty nor more than thirty-six persons, in the discretion of the judge, to act as petit jurors, record their names on paper, certify and sign it. In courts having continuous sessions, the judge shall, in open court, on Monday next before the Monday upon which they shall be summoned to appear, draw from said drum or wheel case a sufficient number of names to procure twenty-four persons, qualified as hereinafter prescribed, to act as grand jurors, and record the names of the twenty-four qualified upon paper, and certify and sign it; and in such courts the judge shall, in open court, every two weeks on Monday next before the Monday upon which they shall be summoned to appear, draw from the drum or wheel case the names of not less than thirty nor more than thirty-six persons to act as petit jurors, record their names on paper, certify and sign it. The names of all persons drawn as grand and petit jurors shall be publicly an-

nounced, when drawn, and entered of record in the order drawn. The judge shall place said lists in separate envelopes, of good paper, and seal and indorse them so as to show that the envelopes contained jury lists, and the month or term, and in courts having continuous sessions, the weeks and year said jurors are selected for and date of selection, and sign his name across the seal of each and deliver them to the clerk of his court, at the same time administering to him and his deputies the oath above required of them; from the list of twenty-four names the next grand jury shall be drawn, and from the list of not less than thirty nor more than thirty-six names of not less than thirty nor more than thirty jurors shall be selected, in the discretion of the judge, who shall constitute the regular panel of the next petit jury. He shall destroy the slips on which are written the names placed on the lists as soon as said names are recorded on said lists, and if, in drawing the twenty-four grand jurors, the names of a person not having the qualification of a grand juror be drawn, it shall be forthwith returned to the drum or wheel case, and if at any drawing the name of a person temporarily disqualified is drawn, it shall be replaced in said wheel case or drum; but if the name of any person permanently disqualified is drawn, the slip on which it is written shall be destroyed. Immediately after the judge has drawn said names from said drum or wheel case, he shall lock the same and deliver it and the aforesaid lists to the clerk as above directed. Sessions of a court having continuous sessions held at the county seat of a county in which there is a city of the second class at which part of its sessions are authorized to be held, shall be deemed terms of court within the meaning of this section.

"In circuit courts having continuous sessions and more than one judge, if the judge of any division be absent from the court, or can not attend upon the day provided for the drawing of names for juries, any judge of any division of said court may attend and draw the names for such juries in the manner above provided, and in circuit courts having continuous sessions and only one judge, if such judge be absent from the court, or can not attend upon the day provided

for the drawing of names for juries, he shall draw the names for the juries, as herein provided, upon the first day thereafter upon which he shall attend. Any special judge presiding at a term of court at which the regular judge is absent, or over any division of a circuit court having continuous sessions, may draw the names for said juries in the manner above provided."

§ 4. That section two thousand two hundred and forty-seven of the Kentucky Statutes be, and the same is hereby repealed, and in lieu thereof shall be inserted, and is hereby enacted, the following section:

"Section 2247. At the time of selcting the grand jury from the list of names drawn from the drum or wheel case, for that purpose, if there shall be excused by the court for good cause, a sufficient number of those drawn to serve as jurors to exhaust the list, without securing therefrom the full number of grand jurors required, the judge shall draw from the drum or wheel case the names of a sufficient number of persons to act as jurors to complete the list and the jurors so drawn shall be summoned by the sheriff forthwith and from those so drawn and summoned the requisite number of jurors shall be selected in the order in which their names shall appear upon the list, and if those so drawn and summoned be likewise excused, the judge shall draw again from the drum or wheel case a sufficient number to supply their place, and so on until the number required is obtained; Provided, That if the vacancies to be supplied do not exceed three, the judge may, in his discretion, direct the sheriff to summon bystanders to supply the vacancies.

"At the time of selecting the petit jurors from the list of names drawn from the drum or wheel case for that purpose, if there shall fail to attend, or there shall be excused by the court, for good cause, such a number as will not leave the number of jurors required, the judge shall draw from the drum or wheel case double the number of names to supply the places of such as are excused or fail to attend, and the jurors so drawn shall be summoned by the sheriff and if any of those so drawn and summoned be likewise excused or fail to at-

tend, the judge shall again draw from the drum or wheel case double the number of names to supply their places, and so on, until the requisite number is obtained, and if, at any time during the term it becomes necessary to supply one or more jurors, double the number of names necessary for supplying their places shall be drawn from the drum or wheel case and summoned by the sheriff: Provided, That when the number of vacancies does not exceed three, the judge may direct the sheriff to summon bystanders to supply the vacancies.

"If in any civil cause or proceeding called for trial, the panel shall be exhausted by challenge, the judge may supply such jurors by drawing from the drum or wheel case, or may direct the sheriff to summon, for the trial of that cause, not exceeding three bystanders to fill such vacancies.

"If in any criminal or penal cause of proceeding, called for trial the panel shall be exhausted by challenge, the judge may supply such jurors by drawing from the drum or wheel case, or may direct the sheriff to summon for the trial of that cause any number of bystanders or persons to fill such vacancies.

"In drawing names from the drum or wheel case to fill vacancies, both in the grand and petit jurors, as provided herein, the judge shall draw such names from the drum or wheel case in open court.

"If a juror drawn from the drum or wheel case has served in any circuit court on the regular panel within twelve months, such service shall be ground for challenge for cause; if a juror is summoned as a bystander, after having within twelve months served on any jury in any circuit court as a bystander, such service shall be ground for challenge for cause; and if the name of a juror does not appear on the last returned assessor's book for the county, it shall be a ground for challenge for cause."

Mr. Drewry offered the following amendment to said bill, viz.:

The provisions of this act relative to the drawing of juries in civil cases shall apply in like manner to the selection of juries drawn in criminal cases.

Said amendment was disagreed to.

Mr. Embry offered the following amendment to said bill, viz.:

Amend by striking out that portion which prevents the calling of bystanders when the panel is exhausted in civil cases.

Said amendment was disagreed to.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | Taylor P. Gabbard, | Ed. Mulcahy, |
| John Barr, | A. J. Gorham, | J. M. Robertson, |
| E. Barry, | John C. Griffith, | Richard S. Rose, |
| W. G. Baxter, | Paul Gullion, | S. M. Russell, |
| Charles C. Beard, | James A. Hagan, | R. C. Simmons, |
| Peter Best, Jr., | W. C. Halbert, | Emmet P. Slattery, |
| Roger P. Blair, | Albert Hamilton, | W. W. Smith, |
| Joe F. Bosworth, | C. W. G. Hannah, | W. H. Southall, |
| W. T. Cain, | L. P. Head, | Zeb. A. Stewart, |
| M. F. Campbell, | D. C. Hopper, | A. J. Thompson, |
| Bennett Clarke, | W. H. Jones, | C. F. Thornton, |
| H. K. Cole, | Wm. F. Klair, | Harry Weitkamp, |
| W. H. Cole, | Virgil McKnight, | T. A. Weldon, |
| Ed. Croan, | M. H. McLean, | Geo. S. Wilson, |
| Henry W. Curle, | R. W. Miller, | Munnell Wilson, |
| A. L. Denny, | Chris Mueller, | Wm. Wilt, |
| Lawrence J. Diskin, | V. W. Morris, | James G. Yaden—53. |
| M. T. Freeman, | James S. Morris, | |

Those who voted in the negative were—

| | | |
|---|---|---|
| J. M. Alverson, | W. J. Gooch, | J. T. Royalty, |
| H. Kirby Bourne, | J. A. Hamon, | Ed. H. Shellman, |
| N. B. Chipman, | W. J. Jackson, | T. J. Slaton, |
| J. W. Clay, | L. F. Johnson, | Hub L. Stevens, |
| W. D. Claybrooke, | Geo. D. Litsey, | John A. Stevens, |
| Sam. D. Cochran, | H. M. McCarty, | C. C. Terry, |
| Henry M. Cox, | Henry C. Miller, | W. T. White, |
| Charles I. Dawson, | J. M. Mitchell, | John B. Wicker, |
| Thomas Drewry, | W. J. Osborne, | J. Hal Woodford, |
| W. Reed Embry, | Henry G. Overstreet, | W. T. Wright, |
| Robert Enlow, | C. M. Paynter, | J. A. Yates, |
| J. A. Frazier, | M. M. Redwine, | Will A. Young—37. |
| Lloyd W. Gates, | | |

Resolved that the title of said bill be as aforesaid.

Mr. Arnett moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill, entitled

S. B. 128. An act to amend section 4315 Kentucky Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 4315 of the Kentucky Statutes, approved March 10, 1894, be amended by striking out the words, "the first Monday in March in each year," in the third line of said section and inserting in lieu thereof the following words: "Some county court day fixed by order of the fiscal court," and strike out the word "September," wherever it appears in said section, and insert in lieu thereof the word "November," so that said section when so amended and re-enacted will read as follows, to-wit:

"§ 4315. Supervisor—Duty and Power of Letting Roads to Contractor—Fiscal Court—County Judge.—In counties wherein roads are worked by taxation, it shall be the duty of the supervisor, at the court house door in his county, on some county court day fixed by order of the fiscal court, after twenty days written or printed notice posted at each voting place in the county, to let out to the lowest and best bidder, who shall give bond with surety, approved by the supervisor, the working and keeping in repair of all the roads in said county for the term of not less than one year nor more than two years thereafter, the said work to be done as prescribed in the bonds of contractors; to let out at such times as needed, and on reasonable (printed or written) notice, the building and repairing of all such bridges and culverts as are not embraced in the contracts for working roads; to superintend the opening, widening and changing of roads; superintend erection of gates on public roads; to receive new roads and alterations in roads, and report same to the county court when, and in the manner directed by the county court, and see that all roads and bridges are kept clear of obstructions and at all times in good order for travel and transportation: Provided, That, for the purposes enumerated, the fund raised under this act, and which may be otherwise raised by the levy court, shall be sufficient, and, if not sufficient, then it is to be used at such places and for such purposes as the supervisor, under the general directions of said court, may deem proper; and the court in giving such directions shall have due regard for the public good and to wants of the different parts of the county. The said court shall provide a period in each year within which the levying and grading of roads shall be done, but said period shall not extend beyond the first of November in any year. It shall be the duty of the supervisor to report in writing to the judge of the county court all failures of contractors to comply with their contracts in regard to roads or bridges, and to appear and prosecute in all proceedings against such delinquents so reported by him. The supervisor, with the consent of the county judge, may desig-

nate certain roads or parts of roads that are not to be let out as hereinbefore required, but which are to be worked and kept in repair, either by special contracts privately made, or by hands and teams hired by him, or by delinquent taxpayers, or by persons sentenced to labor, or who, by law, may be liable to work out fines imposed by juries or courts. But it shall be the duty of the supervisor to return to the county court, at its November term in each year, a descriptive list of such roads, which shall be recorded in its order book, and also to report in writing all hands and teams hired, and amounts paid for same, and the length of time and where employed; and also a similar report of the names of delinquents who work, the places where, and the length of time and names of persons working out fines or sentences on roads. And it shall be the further duty of the supervisor to supervise said work, and to employ competent persons to oversee, and he may, if necessary, put balls and chains on convicts to prevent their escape. Such overseers and persons hired as herein provided are to be paid out of the road fund or county levy, in the discretion of the fiscal court. Delinquent taxpayers shall be put on roads convenient to their place of residence, and shall be allowed credit at the rate of one dollar for each full day's work: Provided, however, That the fiscal court of any county wherein roads are worked by taxation may, instead of appointing a supervisor, authorize the county judge to so let out the working of the roads and the building or repairing bridges, and to take and approve the bonds hereinbefore required. In such cases the other powers herein conferred and duties imposed upon the supervisor shall be exercised and discharged by the road overseers in their respective precincts: And, provided, further, That the county court may, in its discretion, appoint a special commissioner to receive new roads and alterations in roads: And, provided further, That, in cases where, under the provisions of this section, the supervisor, with the consent of the county judge, is authorized to designate certain roads that are not to be let out as hereinbefore required, but which are to be worked and kept in

repair by special contracts by hired hands, by delinquent taxpayers or persons sentenced to labor. The county judge (there being no supervisor in the county) shall have authority, and it shall be his duty to do everything in relation thereto, that the supervisor could have done without his consent, and may appoint some competent person or persons to superintend and carry on said work."

§ 2. Whereas, great good will be accomplished in many counties of this Commonwealth by reason of this amendment, therefore an emergency is hereby declared to exist, and this act shall become a law from and after its passage and approval by the Governor.

Mr. Chipman offered the following amendment to said bill, viz.:

Strike out "one dollar per day" and insert "one dollar and fifty cents per day."

Said amendment was disagreed to.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | Robert Enlow, | John R. Ray, |
| Louis W. Arnett, | J. A. Frazier, | M. M. Redwine, |
| John Barr, | M. T. Freeman, | J. M. Robertson, |
| E. Barry, | Taylor P. Gabbard, | Richard S. Rose, |
| W. G. Baxter, | Lloyd W. Gates, | S. M. Russell, |
| Charles C. Beard, | W. J. Gooch, | R. C. Simmons, |
| Peter Best, Jr., | A. J. Gorham, | Emmet P. Slattery, |
| Roger P. Blair, | John C. Griffith, | W. W. Smith, |
| Joe F. Bosworth, | B. P. Grigsby, Sr., | W. H. Southall, |
| H. Kirby Bourne, | Paul Gullion, | Hub L. Stevens, |

| | | |
|---|---|---|
| W. T. Cain, | W. C. Halbert, | John A. Stevens, |
| M. F. Campbell, | Albert Hamilton, | Zeb. A. Stewart, |
| N. B. Chipman, | C. W. G. Hannah, | C. C. Terry, |
| Bennett Clarke, | D. C. Hopper, | C. F. Thornton, |
| J. W. Clay, | W. J. Jackson, | T. A. Weldon, |
| Sam. D. Cochran, | W. H. Jones, | W. T. White, |
| W. H. Cole, | Wm. F. Klair, | Geo. S. Wilson, |
| Henry M. Cox, | H. M. McCarty, | J. T. Wilson, |
| Ed. Croan, | Virgil McKnight, | Munnell Wilson, |
| Henry W. Curle, | R. W. Miller, | Wm. Wilt, |
| Charles I. Dawson, | J. M. Mitchell, | J. Hal Woodford, |
| A. L. Denny, | Ed. Mulcahy, | W. T. Wright, |
| Thomas Drewry, | Henry G. Overstreet, | J. A. Yates, |
| W. Reed Embry, | C. M. Paynter, | Will A. Young—72. |

In the negative—none.

Resolved that the title of said bill be as aforesaid.

Mr. Stewart moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill, entitled

S. B. 272. An act to ratify and confirm charters of corporations heretofore taken out under the laws of the Commonwealth, under the statute permitting a consolidation of corporations.

Said bill is as follows, viz.:

Whereas, it was provided that all companies consolidating under the laws of the Commonwealth were required to state facts necessary to be stated in original articles of incorporation; and,

Whereas, it was never intended that corporations consolidating should comply with this provision; and,

Whereas, by an act passed March 21, 1902, it was expressly provided that the names of stockholders and the shares subscribed by each should not be inserted in the articles of consolidation; now, fore,

Be it enacted by the General Assembly of the Commonwealth of therefore,

§ 1. That all charters or articles of incorporation heretofore taken out by two or more companies organized under the laws of this Commonwealth consolidating, are hereby declared to be valid, regardless of whether the names and addresses of the stockholders in the consolidating companies be inserted in the articles of consolidation or not; and that all articles of consolidation heretofore taken out are hereby declared to be valid without having the names and addresses of the stockholders inserted therein; and said charters shall be as valid and legal as if each and every stockholder in the companies composing the consolidated company was set out in such articles of consolidation.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | Robert Enlow, | C. M. Paynter, |
| Louis W. Arnett, | J. A. Frazier, | M. M. Redwine, |
| John Barr, | M. T. Freeman, | J. M. Robertson, |
| E. Barry, | Taylor P. Gabbard, | S. M. Russell, |
| W. G. Baxter, | Lloyd W. Gates, | Ed. H. Shellman, |
| Peter Best, Jr., | W. J. Gooch, | T. J. Slaton, |
| Roger P. Blair, | A. J. Gorham, | Emmet P. Slattery, |
| H. Kirby Bourne, | John C. Griffith, | W. W. Smith, |
| W. T. Cain, | B. P. Grigsby, Sr., | W. H. Southall, |
| M. F. Campbell, | Paul Gullion, | Hub L. Stevens, |
| N. B. Chipman, | Albert Hamilton, | John A. Stevens, |
| Bennett Clarke, | C. W. G. Hannah, | Zeb. A. Stewart, |
| J. W. Clay, | L. P. Head, | A. J. Thompson, |

| | | |
|---|---|---|
| W. D. Claybrooke, | W. J. Jackson, | Harry Weitkamp, |
| Sam. D. Cochran, | L. F. Johnson, | T. A. Weldon, |
| H. K. Cole, | H. M. McCarty, | W. T. White, |
| W. H. Cole, | Virgil McKnight, | Geo. S. Wilson, |
| Ed. Croan, | M. H. McLean, | J. T. Wilson, |
| Henry W. Curle, | Henry C. Miller, | Munnell Wilson, |
| Charles I. Dawson, | J. M. Mitchell, | J. Hal Woodford, |
| A. L. Denny, | James S. Morris, | W. T. Wright, |
| Lawrence J. Diskin, | Ed. Mulcahy, | Will A. Young—68. |
| Thomas Drewry, | Henry G. Overstreet, | |

In the negative—none.

Resolved that the title of said bill be as aforesaid.

Mr. George S. Wilson moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill, entitled

S. B. 249. An act to regulate the sale of concentrated commercial stuffs, defining same and fixing penalties for violations thereof.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Every bag, barrel or other package of concentrated commercial feeding stuff, manufactured, sold, offered or exposed for sale in, or imported into, this State, shall have securely attached a tag or label, and plainly printed thereon the number of net pounds of concentrated commercial feeding stuff in the package, the name, brand or trade-mark under which the concentrated commercial feeding stuff is sold; the name and address of the manufacturer and the guaranteed analysis, stating the percentage of fat, and the percentage of protein, allowing one per centum of nitrogen to equal

6.25 per centum of protein, these constituents to be determined by the methods adopted by the Association of Official Chemists of the United States; and the ingredients from which it is compounded, also the stamp showing the payment of the inspection fee provided for in this act: Provided, That all concentrated commercial feeding stuffs shall be in standard weight bags or packages of no other than fifty, one hundred, one hundred and fifty, or two hundred pounds each, or less than fifty pounds, or sold in bulk. All concentrated commercial feeding stuffs shipped in bulk to consumers shall be subject to the penalties provided for in this act upon the attempt to evade the guaranteed analysis and the payment of the inspection fee provided for in this act: Provided, further, That nothing in this act shall be construed to restrict or prohibit sales of concentrated commercial feeding stuff material in bulk to each other by importers, manufacturers or manipulators who mix concentrated commercial feeding stuffs for sale, or as preventing the free, unrestricted shipment of these articles in bulk to manufacturers or manipulators who mix concentrated commercial feeding stuffs for sale.

§ 2. The term "concentrated commercial feeding stuff," as used in this act, shall include linseed meals, corn and corn-cob meals, cocoanut meals, gluten feeds, gluten meals, germ feeds, corn feeds, starch feeds, sugar feeds, dried brewers' grains, malt sprouts, dried distillers' grains, dried beet refuse, hominy feeds, cerealine feeds, rice meals, rice bran, rice polish, peanut meals, oat feeds, corn and oat feeds, corn bran, wheat bran, wheat middlings, wheat shorts, and other mill products, ground beef or fish scraps, mixed feeds, clover meal, alfalfa meal and feeds, peavine meal, cotton-seed meal, velvet bean meal, feeds and meals mixed or unmixed, made from seeds or grains, and all materials of similar nature used for food for domestic animals, condimental feeds, poultry feeds, stock feeds, patented proprietary or trade and market stock and poultry feeds.

§ 3. Each and every manufacturer, importer, jobber, agent or seller, before selling, offering or exposing for sale in this State any concentrated commercial feeding stuffs as defined in section 2

of this act, shall, for each and every feeding stuff bearing a distinguishing name or trade-mark, file with the Director of the Kentucky Agricultural Experiment Station a copy of the statement named in section 1 of this act: Provided, That whenever a manufacturer, importer or jobber of any concentrated commercial feeding stuff shall have filed the statement named in section 3 of this act and paid the inspection tax, no agent or seller for said manufacturer, importer or jobber shall be required to file such a statement or pay such a tax for said brand.

§ 4. In each year every manufacturer, importer, agent or seller of any concentrated commercial feeding stuff shall pay to the Director of said experiment station an inspection fee of twenty cents per ton for each ton of such concentrated commercial feeding stuff sold, offered or exposed for sale in this State: Provided, That when the manufacturer or importer shall have paid the inspection fee for any brand, any person acting as agent or seller for said manufacturer or importer shall not be required to pay the inspection fee for said brand. It shall be the duty of every person before selling, exposing or offering for sale any concentrated commercial feeding stuff in this State, to attach or cause to be attached to each bag, barrel or package thereof, one of the tags and stamps hereinbefore described.

§ 5. Upon receipt of the inspection fee, it shall be the duty of the director of said experiment station to furnish the manufacturers, dealers or importers of concentrated commercial feeding stuffs with stamps or labels in lots to the value of five dollars or any multiple thereof to be attached to each package of concentrated commercial feeding stuff sold or used in this State. Such stamps or labels shall be printed in such form as may be prescribed by the director of said experiment station.

§ 6. Each manufacturer or dealer of concentrated commercial feeding stuffs shall forward the money for stamps to the director of said experiment station, who shall pay all such fees received by him into the treasury of the Kentucky Agricultural Experiment Station, the board of control of which shall expend the same in

meeting all necessary expenses in carrying out the provisions of this act, including the employment of inspectors, chemists, expenses in procuring samples, expert witnesses' expenses attending grand juries and courts, printing bulletins and legitimate expenses of said experiment station.

§ 7. Any person purchasing any concentrated commercial feeding stuff in this State for his own use may submit fair samples of the said feeding stuff to the director of the experiment station for analysis, but in order to protect the manufacturer or vendor from the submission of spurious samples for analysis, the person selecting the sample shall do so in the presence of two or more disinterested persons (from not less than ten per cent. of the lot purchased), which sample shall be taken from one or more packages and shall be put into a bottle or can or other package and sealed in the presence of said witnesses, and this sample placed in the hands of a disinterested person, who shall forward the same at the expense of the purchaser to the director of the experiment station, and upon the receipt by him of such sample package, the director shall make or cause to be made an analysis of the same, and he shall return to such purchaser a certificate of analysis, and the said certificate, when verified by the affidavit of the analyst, shall be competent evidence in any court of law or equity in this State.

§ 8. The director of said experiment station is hereby authorized, in person or by deputy, to take samples for analysis not exceeding two pounds in weight from any lot, parcel or package of any concentrated commercial feeding stuff which may be in the possession of any manufacturer, importer, agent, dealer, or transportation company in this State. The said director shall have one or more samples of such feeding stuff collected as herein provided, analyzed annually and the results published, together with such additional information as he may determine.

§ 9. Any manufacturer, importer, jobber, agent or dealer who shall sell, offer or expose for sale in this State any concentrated commercial feeding stuff, as defined in this act, without having com-

plied with the provisions of this act, or who shall sell, offer or expose for sale any concentrated commercial feeding stuff which contains a smaller percentage of protein or fat than the minimum guarantee, or a larger percentage of crude fiber than the maximum guarantee, or who shall adulterate any concentrated commercial feeding stuff with foreign mineral matters or other foreign substance, such as rice hulls, chaff, peanut shells, corn-cob meal, oat hulls, or other similar materials of less or of little or no feeding value, without plainly stating on the label hereinbefore described, the kind and amount of such mixture, or who shall adulterate with any substance injurious to health of domestic animals, shall be guilty of a violation of this act and fined not less than $10.00 nor more than $100.00.

§ 10. The label attached according to this act to any lot, parcel or package of concentrated commercial feeding stuff offered or exposed for sale in this State shall be accepted as the guarantee of the manufacturer, importer, jobber, dealer or agent that the said concentrated commercial feeding stuff contains the kinds and amounts of essential ingredients printed on the label or tag, and any person fraudulently attaching or permitting to be attached to any package of concentrated commercial feeding stuff a fraudulent or counterfeit label, or a genuine label used the second time, or a label representing it to contain a larger percentage of protein or fat than is actually found by analysis to be contained in said concentrated commercial feeding stuff, shall be guilty of violating this act and may be fined as provided in section 9 and shall also be liable for reasonable damages sustained by the purchaser of such concentrated commercial feeding stuff: Provided, however, That a small deficiency in protein or fat shall not be considered evidence of fraudulent intent.

§ 11. Any manufacturer, seller, dealer, agent, clerk or other person who shall impede, obstruct, hinder or otherwise prevent or attempt to prevent any duly authorized inspector or other person in the performance of his duty in collecting samples or otherwise on duty in connection with this act, shall be guilty of violating this

act and shall, upon conviction, be fined not less than $10.00 nor more than $50.00.

§ 12. It shall be the duty of every prosecuting attorney, county attorney and city attorney to whom the director of said experiment station shall report any violation of this act, to cause proceedings to be commenced against the party so violating the act, and the same prosecuted in manner required by law.

§ 13. The director of said experiment station is empowered to adopt standards for concentrated commercial feeding stuffs and to make and enforce such rules and regulations as he may deem necessary to carry fully into effect the true intent and meaning of this act.

§ 14. The director of said experiment station shall have power to refuse the registration of any feeding stuff under name which would be misleading as to the materials of which it is made, or when the percentage of crude fiber is above or the percentage of fat and protein below the standard adopted for concentrated commercial feeding stuffs by said director.

§ 15. No civil action shall be maintained in any court in this State on account of any sale or other contract made in violation of this act.

§ 16. All laws and parts of laws in conflict with this act are hereby repealed.

Mr. Nall offered the following amendments to said bill, viz.:

In line seven, section 1, after the word "manufacturer," add the words, "importer, jobber, agent or seller." In line nine, section 3, substitute the word "one" for "three."

Said amendment was disagreed to.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | M. T. Freeman, | C. M. Paynter, |
| Louis W. Arnett, | Taylor P. Gabbard, | John R. Ray, |
| John Barr, | Lloyd W. Gates, | J. M. Robertson, |
| E. Barry, | W. J. Gooch, | Richard S. Rose, |
| W. G. Baxter, | A. J. Gorham, | S. M. Russell, |
| B. O. Becker, | H. H. Griffin, | Ed. H. Shellman, |
| Roger P. Blair, | B. P. Grigsby, Sr., | R. C. Simmons, |
| Joe F. Bosworth, | Paul Gullion, | T. J. Slaton, |
| H. Kirby Bourne, | James A. Hagan, | Emmet P. Slattery, |
| W. T. Cain, | J. A. Hamon, | John A. Stevens, |
| M. F. Campbell, | L. P. Head, | Zeb. A. Stewart, |
| Bennett Clarke, | W. J. Jackson, | A. J. Thompson, |
| W. D. Claybrooke, | L. F. Johnson, | C. F. Thornton, |
| H. K. Cole, | Wm. F. Klair, | Harry Weitkamp, |
| Ed. Croan, | Geo. D. Litsey, | T. A. Weldon, |
| Henry W. Curle, | H. M. McCarty, | W. T. White, |
| Charles I. Dawson, | Virgil McKnight, | John B. Wicker, |
| Lawrence J. Diskin, | R. W. Miller, | Munnell Wilson, |
| W. Reed Embry, | Chris Mueller, | J. Hal Woodford, |
| Robert Enlow, | W. J. Osborne, | W. T. Wright—61. |
| J. A. Frazier, | Henry G. Overstreet, | |

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

Mr. Klair moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

S. B. 287. An act permitting persons to combine or pool their

crops of wheat, tobacco and other products and sell same as a whole, and making contracts in pursuance thereof valid.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It is hereby declared lawful for any number of persons to combine, unite or pool, any or all of the crops of wheat, tobacco, corn, oats, hay or other farm products raised by them, for the purpose of classifying, grading, storing,holding, selling or disposing of same, either in parcels or as a whole, in order or for the purpose of obtaining a greater or higher price therefor than they might or could obtain or receive by selling said crops separately or individually.

§ 2. That contracts or agreements made or entered into by persons with each other, the object or intent of which is to unite, pool or combine all or any of the crops of tobacco, wheat, corn, oats, hay, or other farm products, raised by such persons, for the purpose of classifying, grading, storing, holding, selling or disposing of said crops, or any of them, either in parts or as a whole, in order, or for the purpose of obtaining a better or higher price therefor than could or might be obtained by selling said crops separately or individually, are hereby permitted, and shall not, because of any such combination or purpose of said persons, be declared illegal or invalid.

§ 3. Such persons so entering into such agreement or contract as is set out in the foregoing sections, are hereby permitted to select an agent or agents through or by or with whom said parties so entering into such agreement may classify, grade, store, hold, sell or dispose of said crops, or any of them, and said agent or agents shall have the right to take, receive, hold, store, classify, grade, sell or dispose of said crops so placed in such agreement as directed or authorized by their principal, for the purpose of accomplishing the object of such combination or agreement between such principals, and contracts and agreements entered into by such agent or agents for the purpose of classifying, grading, storing, holding, selling, or disposing of said crops so combined, united or pooled, either in parcels or as a

whole, are hereby permitted, and shall not, because of any such combination or purpose of such original agreement of such principals so entering into said combination, or of such agent or agents, be declared illegal or invalid.

§ 4. Whereas, many persons of this Commonwealth now desire to combine their respective crops of tobacco, wheat, corn, oats, hay and other farm products, an emergency is now declared to exist which requires that this act should, and it shall, take effect from and after its passage and approval by the Governor.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | M. T. Freeman, | Henry G. Overstreet, |
| Louis W. Arnett, | Taylor P. Gabbard, | C. M. Paynter, |
| John Barr, | Lloyd W. Gates, | John R. Ray, |
| E. Barry, | W. J. Gooch, | M. M. Redwine, |
| W. G. Baxter, | A. J. Gorham, | J. M. Robertson, |
| Charles C. Beard, | John C. Griffith, | Richard S. Rose. |
| B. O. Becker, | Paul Gullion, | J. T. Royalty, |
| Peter Best, Jr., | James A. Hagan, | S. M. Russell, |
| Roger P. Blair, | W. C. Halbert, | Ed. H. Shellman, |
| Joe F. Bosworth, | Albert Hamilton, | R. C. Simmons, |
| H. Kirby Bourne, | J. A. Hamon, | T. J. Slaton, |
| W. T. Cain, | C. W. G. Hannah, | Emmet P. Slattery, |
| M. F. Campbell, | L. P. Head, | W. W. Smith, |
| N. B. Chipman, | D. C. Hopper, | W. H. Southall, |
| Bennett Clarke, | W. J. Jackson, | Hub L. Stevens, |
| J. W. Clay, | L. F. Johnson, | John A. Stevens, |
| W. D. Claybrooke, | W. H. Jones, | Zeb. A. Stewart, |

Sam. D. Cochran,
H. K. Cole,
W. H. Cole,
Ed. Croan,
Henry W. Curle,
Charles I. Dawson,
A. L. Denny,
Lawrence J. Diskin,
Thomas Drewry,
W. Reed Embry,
Robert Enlow,
J. A. Frazier,
Wm. F. Klair,
Geo. D. Litsey,
H. M. McCarty,
Virgil McKnight,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
J. M. Mitchell,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
George W. Stone,
C. C. Terry,
A. J. Thompson,
C. F. Thornton,
T. A. Weldon,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson,
W. T. Wright—86.

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

Mr. Munnell Wilson moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

S. B. 55. An act to put financial corporations which heretofore paid State taxes under the revenue act of 1886, known as the Hewitt law on the same footing with the banks and trust companies of this State in reference to the overpayment of taxes.

Said bill is as follows, viz.:

Whereas, various financial corporations of this State for several years, beginning with the year eighteen hundred and ninety-three, paid into the treasury of this State taxes under and in accordance with the revenue act of eighteen hundred and eighty-six, known as the Hewitt law, under which they were, except to a limited extent, given immunity from local taxation; and,

Whereas, the Court of Appeals decided that all such corporations which had accepted the provisions of the Hewitt law were bound, under the pain of forfeiting their respective charters, to pay thereunder; and,

Whereas, it was finally decided by the supreme court that the revenue act of November eleventh, eighteen hundred and ninety-two, had superseded the Hewitt law as to all but a limited number of banks; and,

Whereas, Under this decision the financial corporations aforesaid, with the small exception aforesaid; were compelled for all the years since and including eighteen hundred and ninety-three, to pay local taxes from which the Hewitt law exempted them, and to secure which exemption they paid more than was due to the State; and

Whereas, by acts of the General Assembly, restitution has been made to the banks and trust companies of this State of the difference between what they had paid under the Hewitt act and what they would have paid under the general revenue law of the State, and it is now deemed no more than just that other financial corporations shall be refunded the excess of taxes improperly paid to the State under the Hewitt law; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever any such other financial corporations has for any year or years paid State taxes under the Hewitt law in excess of the State taxes required by the general revenue law of this State for the same year or years, such corporations shall be entitled to credit, and it shall be the duty of the auditor to allow such corporation credit by said excess upon State taxes hereafter required to be paid under the general revenue law, Provided That no such corporation shall be entitled to the benefits or privileges of this act until all legal demands against the same for local taxes for the year or years aforesaid have been adjusted and proof of payments or adjustment shall be filed with the auditor.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in ac-

cordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | Taylor P. Gabbard, | James S. Morris. |
| Louis W. Arnett, | Lloyd W. Gates, | Ion B. Nall, |
| John Barr, | W. J. Gooch, | W. J. Osborne, |
| E. Barry, | A. J. Gorham, | Henry G. Overstreet, |
| W. G. Baxter, | Paul Gullion, | C. M. Paynter, |
| B. O. Becker, | James A. Hagan, | M. M. Redwine, |
| Peter Best, Jr., | Albert Hamilton, | Richard S. Rose, |
| Joe F. Bosworth, | J. A. Hamon, | J. T. Royalty, |
| H. Kirby Bourne, | C. W. G. Hannah, | S. M. Russell, |
| W. T. Cain, | L. P. Head, | Ed. H. Shellman, |
| M. F. Campbell, | D. C. Hopper, | R. C. Simmons, |
| Bennett Clarke, | L. F. Johnson, | T. J. Slaton, |
| J. W. Clay, | Wm. F. Klair, | Emmet P. Slattery, |
| W. D. Claybrooke, | Geo. D. Litsey, | W. H. Southall, |
| H. K. Cole, | H. M. McCarty, | John A. Stevens, |
| Henry W. Curle, | Virgil McKnight, | Harry Weitkamp, |
| Lawrence J. Diskin, | M. H. McLean, | T. A. Weldon, |
| Thomas Drewry, | Henry C. Miller, | W. T. White, |
| W. Reed Embry, | R. W. Miller, | John B. Wicker, |
| Robert Enlow, | Chris Mueller, | W. T. Wright, |
| J. A. Frazier, | J. M. Mitchell, | Jas. C. Yaden—62. |

Those who voted in the negative were—

| | | |
|---|---|---|
| Ed. Mulcahy, | C. C. Terry, | C. F. Thornton—4. |
| Zeb. A. Stewart, | | |

Resolved, That the title of said bill be as aforesaid.

Mr. Arnett, moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

S. B. 129. An act to regulate the distribution of the reports of the decisions of the Court of Appeals.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act relating to the distribution of the reports of the decisions of the Court of Appeals, being section 2426 of article 2, chapter 77, of Carroll's 1903, Kentucky Statutes, be stricken out and the following inserted in lieu thereof: "The following persons shall each be entitled to one copy of the reports of the decisions of the Court of Appeals which may be hereafter published for the use of their respective offices, and which shall, at the close of their respective terms of office, be delivered to their successors in office. The judges of the Court of Appeals, of the circuit and county courts, county attorneys and judges of the Federal court for Kentucky, and the clerk of each of said courts, except the clerk of the county court. And upon the passage of this act it shall be the duty of the various clerks of the county court throughout this Commonwealth to deliver possession of all the reports of the decisions of the Court of Appeals which are now in their custody belonging to the State of Kentucky to the county attorneys of their respective counties. Said county attorneys and their successors shall execute, to be approved of record by the county court of said county, and file the same in the office of the county clerk, covenant to the Commonwealth of Kentucky, for the faithful keeping and preserving of said books for use in his office, and the delivery of same to his successor upon his election and qualification."

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in ac-

cordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | Taylor P. Gabbard, | C. M. Paynter, |
| Louis W. Arnett, | Lloyd W. Gates, | M. M. Redwine, |
| John Barr, | W. J. Gooch, | J. M. Robertson, |
| W. G. Baxter, | A. J. Gorham, | Richard S. Rose, |
| Charles C. Beard, | James A. Hagan, | S. M. Russell. |
| B. O. Becker, | Albert Hamilton, | Ed. H. Shellman, |
| Peter Best, Jr., | C. W. G. Hannah, | R. C. Simmons, |
| Joe F. Bosworth, | L. P. Head, | T. J. Slaton, |
| H. Kirby Bourne, | L. F. Johnson, | W. H. Southall, |
| W. T. Cain, | Wm. F. Klair, | John A. Stevens, |
| M. F. Campbell, | Geo. D. Litsey, | Zeb. A. Stewart, |
| Bennett Clarke, | H. M. McCarty, | A. J. Thompson, |
| J. W. Clay, | Virgil McKnight. | C. F. Thornton, |
| W. D. Claybrooke, | Henry C. Miller, | T. A. Weldon, |
| Henry W. Curle, | R. W. Miller, | W. T. White, |
| Thomas Drewry, | James S. Morris, | Munnell Wilson, |
| W. Reed Embry, | Ion B. Nall, | W. T. Wright, |
| J. A. Frazier, | Henry G. Overstreet, | James G. Yaden—54. |

Those who voted in the negative were—

| | | |
|---|---|---|
| Sam. D. Cochran, | Robert Enlow, | W. J. Jackson, |
| Charles I. Dawson, | J. A. Hamon, | Ed Mulcahy—6. |
| Lawrence J. Diskin, | | |

Resolved, That the title of said bill be as aforesaid.

Mr. Johnson moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The committees to which the same had been referred, reported the following bills, viz.:

By Mr. Lean, of the Committee on Municipalities:

S. B. 224. An act providing for the appointment of a minister of the gospel as chaplain for the jail in cities of the first class.

By same:

S. B. 226. An act to amend sections 21 and 26 of article 6 of an act, entitled "An act for the government of cities of the second class in the Commonwealth of Kentucky," approved March 19, 1894, said sections being sections 3166 and 3171, respectively of the Kentucky Statutes, 1903.

By same:

S. B. 130. An act to amend an act, entitled "An act to amend an act, entitled "An act to incorporate the board of managers of the Louisville House of Refuge, and the amendments thereto," approved May 13, 1886.

By same:

S. B. 158. An act authorizing the formation in cities of less than one hundred thousand and more than forty thousand inhabitants of corporations authorized to do a trust, banking and title insurance business.

By same:

S. B. 59. An act to prevent and punish the unlawful conversion and wrongful taking and use of water from water works plants, and any unlawful interference with appliances used and confining and distributing the same in the cities of this State.

By same:

S. B. 92. An act to amend and re-enact section 10 of article 8 of an act, entitled "An act for the government of cities of the second class in the Commonwealth of Kentucky," approved March 19, 1894, being section 3183, Kentucky Statutes, 1903.

By same:

S. B. 91. An act to amend and re-enact subsection 2 of section 1,

of article 4, of an act, entitled "An act for the government of cities of the second class in the Commonwealth of Kentucky," approved March 19, 1894, said section being subsection 2 of section 3058, Kentucky Statutes, 1903.

By same:

S. B. 285. An act to amend section 20 of article 4 of an act, entitled "An act for the government of cities of the second class in the Commonwealth of Kentucky," approved March 19, 1894.

By same:

S. B. 277. An act to provide for protection from fire of State property and to guard the lives of the inmates of the insane asylums.

By Mr. Shellman, of the Committee on Appropriations:

S. Res. 7. Resolution for the benefit of Dr. Hugh L. Tobin's widow and children.

By same:

S. Res. 5. Resolution for the benefit of the custodian of public buildings.

By same:

S. B. 217. An act providing for the appointment by the Governor of this Commonwealth of three delegates to formulate a law to be presented to the Legislature, concerning the regulation and control of pools, trusts and combinations in restraint of trade, and to invite the co-operation of the Governors of other States of the United States to appoint like commissions; and providing for the assembling and working of such delegates and for the defraying of the expenses incident to carrying out of this act.

By same:

S. B. 135. An act appropriating $22,000 for a brick building for a workshop in the State penitentiary, at Frankfort, Kentucky.

By same:

S. B. 136. An act appropriating $7,000 for the installation of a dust collecting and cleaning system in the workshops at the State penitentiary, at Frankfort, Kentucky.

By same:

S. B. 137. An act to appropriate money for the erection of a new hospital with suitable tuberculosis wards, operating rooms and other necessary equipments at the State penitentiary, at Frankfort, Kentucky, and for the equipment of the present hospital for a chapel.

By same:

S. B. 138. An act to appropriate $5,000 for the erection and equipment of a tuberculosis hospital at the branch penitentiary, at Eddyville, Kentucky.

By same:

S. B. 139. An act to appropriate $11,000 for raising the roof and extending the three sections of the broom shop and one section of the chair shop building at the State penitentiary, at Frankfort, Kentucky.

By same:

S. B. 29. An act to increase the annual appropriation to the Kentucky Institution for the Education of the Blind from $10,000 to $15,000.

By Mr. Arnett, of the Committee on Circuit Courts:

S. B. 127. An act authorizing the recognizance of witnesses in civil cases.

By same:

S. B. 281. An act to further regulate the time of holding court in the Nineteenth, Twentieth and Thirty-second Judicial Districts.

By Mr. Diskin, of the Committee on County and City Courts:

S. B. 196. An act to amend an act, entitled "An act relating to courts of justice," being chapter 221 of acts of 1893, approved June 10, 1893.

By same:

S. B. 39. An act to amend section 8 of an act, entitled "An act creating fiscal courts in the several counties of this Commonwealth," approved October 17, 1892.

By Mr. Mulcahy, of the Committee on Public Monuments and Historical Records:

S. B. 66. An act appropriating $2,000, for the purpose of restoring the monument to Daniel Boone, in the Frankfort Cemetery.

By Mr. Simmons, of the Committee on Judiciary:

S. Res. 20. Resolution for the benefit of McJ. Davis.

By same:

S. B. 27. An act to repeal and re-enact subdivision 1 of article 15 of chapter 46, Kentucky Statutes, entitled "Exempted personal property," the sections repealed being sections 1697, 1698, 1699, 1700 and 1701.

By same:

S. B. 134. An act to amend and re-enact sections 919 and 920 of the Kentucky Statutes, chapter 34, article 4, relative to dividing or striking off territory.

By same:

S. B. 18. An act to define and regulate the assessment of stock in corporations incorporated under the laws of Kentucky, and of other States and territories of the United States.

By same:

S. B. 85. An act fixing the liability of and measure of damages for the commission of fraud in the sale of real estate.

By same:

S. B. 207. An act for the benefit of Hazelrigg & Chenault, permitting them to sue the Commonwealth of Kentucky.

By Mr. Stone, of the Committee on Education No. 2:

S. B. 63. An act providing for the extension of the boundaries of graded common school districts.

By same:

S. B. 170. An act to repeal chapter 296 of the session acts of 1887 and 1888.

By Mr. J. T. Wilson, of the Committee on Banks and Banking:

S. B. 275. An act authorizing the board of directors of banks and trust companies, carrying on business in this State, to fix the hours of opening and closing for business.

By Mr. George S. Wilson, of the Committee on Corporate Institutions:

S. B. 231. An act to amend section 47 of an act, entitled "An act providing for the creation and regulation of private corporations, which became a law April 5, 1893, and which, as heretofore amended, has become and now is section 584 of the edition of the Kentucky Statutes, compiled and edited by John D. Carroll, and issued in the year 1903."

By same:

S. B. 243. An act to amend the act for incorporation of private corporations being chapter 32 of the Kentucky Statutes.

By same:

S. B. 244. An act, entitled An act to regulate burial associations, corporations and companies doing business in the State of Kentucky.

By Mr. Shellman, of the Committee on Appropriations:

S. Res. 19. Resolution for the benefit of Essex Mosby.

Said bills and resolutions were severally read the first time at length and ordered to be placed on the calendar, except S. B. 66, which was ordered to be referred to the committee on appropriations.

Mr. Shellman, of the Committee on Appropriations, to which the had been recommitted reported a bill, entitled

S. B. 64. An act to amend an act, entitled "An act to provide for the establishment and maintenance of a Confederate home, to be a charitable institution of the State of Kentucky and providing for the care and maintenance of the infirm and dependent Confederate soldiers of the State of Kentucky, and to provide under proper conditions for admission and care of soldiers who may have wives, and for those who may have rendered service to the Confederate cause," approved March 27, 1902, and amended by an act approved March 26, 1904.

With an amendment thereto.

Ordered that said bill be read the second time.

The provision of the Constitution as to the second reading of said bill, at length, being dispensed with, said bill was read the second time by its title.

Ordered that said bill be placed on the orders of the day.

And then the House adjourned until 3:00 o'clock this afternoon.

## AFTERNOON SESSION.

At three o'clock p. m.

The House met pursuant to adjournment.

Mr. Nall, of the committee on enrollments, reported that they had examined and found correctly enrolled bills and joint resolutions of the following titles, viz.:

H. B. 61. An act relating to annulling charters of towns of the sixth class.

H. B. 112. An act to establish a system of State normal schools in Kentucky. To create a board of regents for the general management thereof; to create a normal executive council which shall determine the requirements for admission and graduation and the courses of study for the said schools; to create a commission which shall determine the location of said schools and to appropriate funds for their maintenance.

H. B. 176. An act to amend chapter 35, section 1031, of the edition of the Kentucky Statutes, compiled and edited by John D. Carroll, and issued in 1903.

H. B. 255. An act to amend an act, entitled "An act for the govnment of cities of the first-class," approved July 1, 1903.

H. B. 334. An act to amend an act, entitled "An act to create a board of penitentiary commissioners and to regulate the penal institution of the Commonwealth," which became a law March 5, 1898, without the approval of the Governor.

H. B. 358. An act to amend and re-enact section 3140, Kentucky Statutes.

H. B. 23. An act to amend section 74 of the Civil Code of Practice.

Thereupon all other business was suspended and said bills and joint resolutions were severally read at length and examined in open session. And, being found correctly enrolled, the Speaker, in open session, in presence of the House, affixed his signature thereto.

Ordered that the enrolling clerk deliver same to the Senate.

The House took up for consideration, from the orders of the day, a bill, entitled

S. B. 2. An act to amend section 664, subdivision 3, article 4, chapter 32, Kentucky Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 664, of subdivision 3, article 4, chapter 32 of the Kentucky Statutes be amended by adding thereto the following words: "But the provisions of this section and of this subdivision shall not apply to secret or fraternal societies, lodges or councils, which are under the supervision of a grand or supreme body, who secure members through the lodge system exclusively, who pay no commissions nor employ any agents except in the organization of and supervision of the work of local subordinate lodges or councils," so that section 664 of subdivision 3, article 4, chapter 32 of the Kentucky Statutes, when amended, shall read as follows:

"Any corporation, association or society which issues any certificate, policy or other evidence of interest to, or makes any promise or agreement with its members, whereby, upon the decease of a member, any money or other benefit, charity, relief or aid is to be paid, provided or rendered by such corporation, association or society, to the legal representative of such member or to the beneficiary designated by such member, which money, benefit, charity, relief or aid is derived from the voluntary donation or from admission fees, dues, and assessments, or any of them, collected or to be collected from the members thereof, or members of a class therein, and interest and accretions thereon, or rebates from amounts payable to the beneficiaries or heirs, and wherein the paying, providing or rendering of such money or other benefit, charity, relief or aid is conditioned upon the same being realized in the manner aforesaid, and wherein the money or other benefit, charity, relief or aid so realized is applied to the uses and purposes of such corporation, association or society, and the expenses of the management and prosecution of its business shall be deemed to be engaged in the business of life insurance upon the co-operative or assessment plan, and shall be subject only to the provisions of this subdivision. But the provisions of this section and of this subdivision shall not apply to

secret or fraternal societies, lodges or councils, which are under the supervision of a grand or supreme body, and secure members through the lodge system exclusively, and pay no commission nor employ any agents, except in the organization and supervision of the work of local subordinate lodges or councils.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Louis W. Arnett,
John Barr,
E. Barry,
W. G. Baxter,
B. O. Becker,
Peter Best, Jr.,
Roger P. Blair,
Joe F. Bosworth,
H. Kirby Bourne,
J. C. Byland,
W. T. Cain,
M. F. Campbell,
N. B. Chipman,
Bennett Clarke,
J. W. Clay,
W. H. Cole,
Henry M. Cox,
Henry W. Curle,
Charles I. Dawson,
Lawrence J. Diskin,
Thomas Drewry,
Robert Enlow,
J. A. Frazier,
Taylor P. Gabbard,
Lloyd W. Gates,
W. J. Gooch,
A. J. Gorham,
John C. Griffith,
Paul Gullion,
James A. Hagan,
Albert Hamilton,
J. A. Hamon,
W. J. Jackson,
L. F. Johnson,
Wm. F. Klair,
Geo. D. Litsey,
H. M. McCarty,
Virgil McKnight,
Chris Mueller,
J. M. Mitchell,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
Henry G. Overstreet,
M. M. Redwine,
Richard S. Rose.
J. T. Royalty,
S. M. Russell,
Ed. H. Shellman,
Emmet P. Slattery,
W. H. Southall,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
C. C. Terry,
A. J. Thompson,
Harry Weitkamp,
T. A. Weldon,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
Munnell Wilson,
J. Hal Woodford.
W. T. Wright—64.

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

Mr. McKnight moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

S. B. 3. An act to amend section 679, subdivision 3, article 4, chapter 32, Kentucky Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 679, of subdivision 3, article 4, chapter 32 of Kentucky Statutes be amended by adding thereto the following words: "but the provisions of this section and of this subdivision shall not apply to secret or fraternal societies, lodges or councils, which are under the supervision of a grand or supreme body and secure members through the lodge system exclusively, and pay no commission nor employ any agents except in the organization and supervision of the work of local subordinate lodges or councils," so that section 679 of subdivision 3, article 4, chapter 32 of the Kentucky Statutes, when amended shall read as follows:

All policies or certificates hereafter issued to persons within the Commonwealth by corporations transacting business therein under this law, which policies or certificates contain any reference to the application of the insured, or the constitution, by-laws or other rules of the corporation, either as forming part of the policy or contract between the parties thereto or having any bearing on said contract, shall contain or have attached to said policy or certificate a correct copy of the application as signed by the applicant, and the portions of the constitution, by-laws or other rules referred to; and unless so attached and accompanying the policy, no such application, constitution, by-laws or other rules shall be received as evi-

dence in any controversy between the parties to or interest in said policy or certificate, and shall not be considered a part of the policy or of the contract between such parties. The said policy or certificate, application, constitution, by-laws or other rules shall be plainly printed, and no portion thereof shall be in type smaller than brevier: Provided, however, That nothing in this section shall be construed as applying to health certificates or constitutional receipts, or other evidences used in reinstatement of a policy or certificate. But the provisions of this section and of this subdivision shall not apply to secret or fraternal societies, lodges or councils, which are under the supervision of a grand or supreme body, and secure members through the lodge system exclusively, and pay no commission nor employ any agents, except in the organization and supervision of the work of local subordinate lodges or councils.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | J. A. Frazier, | Henry G. Overstreet, |
| John Barr, | M. T. Freeman, | C. M. Paynter, |
| E. Barry, | Taylor P. Gabbard, | M. M. Redwine, |
| B. O. Becker, | Lloyd W. Gates, | J. M. Robertson, |
| Peter Best, Jr., | W. J. Gooch, | Richard S. Rose, |
| Roger P. Blair, | A. J. Gorham, | J. T. Royalty, |
| Joe F. Bosworth, | John C. Griffith, | S. M. Russell, |
| H. Kirby Bourne, | Paul Gullion, | Ed. H. Shellman, |
| J. C. Byland, | James A. Hagan, | T. J. Slaton, |
| W. T. Cain, | Albert Hamilton, | Emmet P. Slattery, |
| M. F. Campbell, | J. A. Hamon, | John A. Stevens, |
| N. B. Chipman, | C. W. G. Hannah, | Zeb. A. Stewart, |

| | | |
|---|---|---|
| Bennett Clarke, | D. C. Hopper, | George W. Stone, |
| J. W. Clay, | L. F. Johnson, | Harry Weitkamp, |
| W. D. Claybrooke, | Wm. F. Klair, | T. A. Weldon, |
| Sam. D. Cochran, | Geo. D. Litsey, | W. T. White, |
| W. H. Cole, | H. M. McCarty, | John B. Wicker, |
| Ed. Croan, | Virgil McKnight, | Geo. S. Wilson, |
| Charles I. Dawson, | Henry C. Miller, | Munnell Wilson, |
| Lawrence J. Diskin, | R. W. Miller, | J. Hal Woodford, |
| Thomas Drewry, | J. M. Mitchell, | W. T. Wright, |
| W. Reed Embry, | Ed. Mulcahy, | James G. Yaden—67. |
| Robert Enlow, | | |

Those who voted in the negative were—

James S. Morris, W. H. Southall—2.

Resolved, That the title of said bill be as aforesaid.

Mr. McKnight moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

S. B. 69. An act authorizing the condemnation of lands and material by corporations or companies organized for the purpose of constructing, maintaining or operating union railway stations.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. All corporations or companies organized under the laws of this, or any other State for the purpose of constructing, maintaining or operating union railway stations, whether passenger or freight, are hereby vested with the right and power to acquire by condemnation such lands and material in this State as, in their discretion, may be reasonably necessary for the purpose of constructing, maintaining and operating such union railway stations and the usual

or proper railway tracks, platforms, sheds, approaches and other appurtenances thereto. And when any such corporation or company shall be unable to contract or agree with the owner or owners of such land or material it may, in the mode prescribed by law for the condemnation of land and material by railroad companies, condemn and acquire the same, or so much thereof as, in its discretion, may be necessary for the purposes aforesaid.

§ 2. Whereas, certain corporations or companies are engaged in the construction of union railway stations and it is necessary for the public interest to vest them with the powers of condemnation aforesaid as soon as possible, an emergency is hereby declared to exist, and this act shall take effect from and after its passage and approval.

Mr. Klair offered the following amendment to said bill, viz.:

Amend by adding at the end thereof the following words: "Provided that nothing in this act shall apply to cities of the first class."

Said amendment was agreed to.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | M. T. Freeman, | Ion B. Nall, |
| Louis W. Arnett, | Taylor P. Gabbard, | W. J. Osborne, |
| John Barr, | W. J. Gooch, | Henry G. Overstreet, |
| E. Barry, | A. J. Gorham, | M. M. Redwine, |
| B. O. Becker, | John C. Griffith, | J. M. Robertson, |
| Peter Best, Jr., | Paul Gullion, | Richard S. Rose, |
| Roger P. Blair, | Albert Hamilton, | J. T. Royalty, |

| | | |
|---|---|---|
| Joe F. Bosworth, | J. A. Hamon, | S. M. Russell, |
| H. Kirby Bourne, | C. W. G. Hannah, | T. J. Slaton, |
| W. T. Cain, | D. C. Hopper, | Emmet P. Slattery, |
| M. F. Campbell, | W. J. Jackson, | W. H. Southall, |
| Bennett Clarke, | L. F. Johnson, | John A. Stevens, |
| J. W. Clay, | W. H. Jones, | George W. Stone, |
| W. D. Claybrooke, | Wm. F. Klair, | C. C. Terry, |
| Sam. D. Cochran, | Geo. D. Litsey, | A. J. Thompson, |
| H. K. Cole, | H. M. McCarty, | Harry Weitkamp, |
| Ed. Croan, | Virgil McKnight, | T. A. Weldon, |
| Charles I. Dawson, | M. H. McLean, | W. T. White, |
| A. L. Denny, | R. W. Miller, | Geo. S. Wilson, |
| Lawrence J. Diskin, | J. M. Mitchell, | Munnell Wilson, |
| Thomas Drewry, | V. W. Morris, | James G. Yaden. |
| W. Reed Embry, | Ed. Mulcahy, | J. A. Yates—67. |
| Robert Enlow, | | |

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

Mr. Klair moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House tock up for consideration, from the orders of the day, a bill, entitled

S. B. 10. An act to provide for the investigation of fires in the Commonwealth, and to provide for the appointment of a deputy insurance commissioner to be designated fire marshal of the State of Kentucky, also to provide for the payment of his salary and the payment of expense incurred in the investigation of fires in this Commonwealth.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The insurance commissioner and the chief of the fire depart-

ment, or chief of police (where no chief of fire department) in cities and towns, and the sheriff of the county where such fires occur outside of incorporated cities or towns and the deputy insurance commissioner provided for herein, are hereby authorized to investigate the cause, origin and circumstances of every fire occurring in such cities or towns or counties in which property has been destroyed or damaged and may make investigation whether such fires were the result of carelessness or design. A preliminary investigation may be made by the chief of the fire department, or the chief of police (where no chief of fire department) in incorporated cities and towns and by the sheriff of the county where such fires occur outside of an incorporated city or town, which shall be begun within three days, not including Sundays of the occurrence of such fires, and the insurance commissioner shall have the right to supervise and direct such investigation whenever he deems it expedient or necessary. The officer making such investigation of fires shall forthwith notify said insurance commissioner, and shall, within thirty days of the occurrence of the fire investigate it, furnish to the said insurance commissioner, a written statement of all the facts relating to the cause and origin of the fire, the kind, value and ownership of the property destroyed and such other information as may be called for by the blanks provided by the insurance commissioner. The insurance commissioner shall keep in his office a record of all fires occurring in the State, together with all facts, statistics and circumstances, including the origin of the fires, which may be determined by the investigation, provided for by this act; such record shall, at all times, be open to public inspection.

§ 2. It shall be the duty of said insurance commissioner to examine, or cause examination to be made, into the cause, circumstances and origin of all fires occurring within the State, to which his attention has been called in accordance with provisions of said section 1 of this act, or by interested parties, by which property is accidentally or unlawfully burned, destroyed or damaged, whenever, in his judgment, the evidence is sufficient; and to investigate whether the fire was the result of carelessness or the act of an incendiary. The

said insurance commissioner may, in person, by deputy or otherwise, fully investigate all circumstances surrounding said fire, and when, in his opinion, said proceedings are necessary, take or cause to be taken, the testimony on oath of all persons supposed to be cognizant of any facts, or to have means of knowledge in relation to the matters as to which an examination is herein required to be made, and shall cause the same to be reduced to writing; and if any party be under suspicion or charged with the crime of arson, he may be represented in person and by attorney at the examination of any and all witnesses, and if the officer making the examination shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, or other willful burning, he shall cause such person to be arrested and charged with such offense, prosecuted and bound over to the circuit court; and the county attorney of the county in which the fire occurred shall attend and assist in the examination of witnesses when requested by the officer making the examination, and shall receive for his services $10.00, in each case investigated, to be paid out of the fire tax fund as other moneys are paid from said fund. All evidence taken, with names of the witnesses and all information obtained by the officer making the examination, including copy of all pertinent and material testimony taken in the case, shall be furnished to the Commonwealth's attorney of the district in which said investigation is made.

§ 3. The insurance commissioner, or his deputy appointed to conduct such examination, shall have the powers of an examining court, for the purpose of summoning and compelling the attendance of witnesses to testify in relation to any matter which is by the provisions of this act, a subject of inquiry and investigation. Said insurance commissioner, or deputy may also administer oaths or affirmations to persons appearing as witnesses before him; and for false swearing in any matter or proceeding aforesaid, shall be deemed perjury and shall be punished as such. Said insurance commissioner or deputy shall have authority at all times of the day or night, in the performance of the duties imposed by this act, to enter upon and examine any building or premises where any fire has occurred. The

investigations held by or under the direction of the insurance commissioner or his deputy, may, in their discretion, be private and persons other than those required or permitted to be present by the provisions of this act, may be excluded from the place where such investigations are held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

§ 4. Any officer referred to in this act, who shall neglect or refuse to comply with any of the requirements of this act, shall be punished by a fine of not less than $25.00 and not more than $200.00.

§ 5. Any expenses, including expenses of deputy, detectives and officers, incurred by the insurance commissioner in the performance of the duties imposed upon him by the provisions of this act, shall be defrayed by the fire insurance companies doing business in this State, and a tax of one-third of one per cent. on the gross premium receipts of all such companies is hereby levied for this purpose, to be collected by said insurance commissioner as other taxes on insurance companies are collected; but in no case shall the insurance commissioner, or any one acting under this law, incur any expenses for detective and other officers in any one case to exceed the sum of $300. The insurance commissioner shall keep a separate account of all moneys received and disbursed under the provisions of this act, and shall include same in his annual report.

§ 6. The insurance commissioner shall submit annually, as early as consistent with full and accurate preparation, and not later than the thirtieth day of June, a detailed report of his official actions under this act, and it shall be embodied in his annual report.

§ 7. The insurance commissioner, in order to carry out the provisions of this law, shall appoint a deputy to be designated the fire marshal of Kentucky, and shall revoke the appointment at his pleasure. The deputy appointed shall possess the powers and perform all duties required by the commissioner by this act. Said deputy shall receive as compensation for his services an annual salary of $2,400.00. The salary shall be paid monthly out of the Treasury of the Commonwealth and charged to the fire tax fund,

and other expenses of the investigation of the fires in this Commonwealth shall be paid out of the same fund by warrant of the Auditor, on voucher signed by the commissioner and charged to the same fund. Said deputy shall execute bond with good securities to be approved by the Auditor, within the aggregate at least $10,000.00, for the faithful discharge of his duties, which bond shall be filed with the Secretary of State, and upon his retirement from office shall deliver to his successor all books and papers in his possession or under his control.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | Lawrence J. Diskin, | Chris Mueller, |
| Louis W. Arnett, | Thomas Drewry, | Ed. Mulcahy, |
| John Barr, | W. Reed Embry, | Ion B. Nall, |
| E. Barry, | Robert Enlow, | Henry G. Overstreet, |
| W. G. Baxter, | J. A. Frazier, | C. M. Paynter, |
| B. O. Becker, | Taylor P. Gabbard, | M. M. Redwine, |
| Peter Best, Jr., | Lloyd W. Gates, | J. M. Robertson, |
| Roger P. Blair, | W. J. Gooch, | S. M. Russell, |
| Joe F. Bosworth, | A. J. Gorham, | R. C. Simmons, |
| H. Kirby Bourne, | John C. Griffith, | T. J. Slaton, |
| J. C. Byland, | Paul Gullion, | Emmet P. Slattery, |
| N. B. Chipman, | James A. Hagan, | W. H. Southall, |
| Bennett Clarke, | J. A. Hamon, | Zeb. A. Stewart, |
| J. W. Clay, | C. W. G. Hannah, | C. C. Terry, |
| W. D. Claybrooke, | L. F. Johnson, | A. J. Thompson, |
| Sam. D. Cochran, | Wm. F. Klair, | Geo. S. Wilson, |
| H. K. Cole, | Geo. D. Litsey, | Munnell Wilson, |
| Ed. Croan, | H. M. McCarty, | W. T. Wright, |
| Charles I. Dawson, | Henry C. Miller, | James G. Yaden—57. |

Those who voted in the negative were—

| | | |
|---|---|---|
| W. T. Cain, | W. J. Jackson, | George W. Stone, |
| W. H. Cole, | R. W. Miller, | T. A. Weldon, |
| A. L. Denny, | V. W. Morris, | W. T. White, |
| M. T. Freeman, | W. J. Osborne, | Wm. Wilt—14. |
| D. C. Hopper, | Richard S. Rose, | |

Resolved, That the title of said bill be as aforesaid.

Mr. Stewart moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill, entitled

S. B. 117. An act to increase the compensation of the private secretary of the Governor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter 736 of the Session Acts of the General Assembly for the year 1873, approved April 9, 1873, be amended by striking therefrom the words "twelve hundred dollars," where the same appears in said act, and substituting therefor the words "two thousand dollars," so that said act, when amended, will read as follows:

"That the Governor of this Commonwealth be, and he is hereby allowed, to employ and have a private secretary to assist him in the labors of his office. The salary of said private secretary shall not exceed two thousand dollars per annum, and shall be payable out of the treasury monthly as the salary of other public officers. The Governor shall be responsible for all the official acts of his said private secretary."

§ 2. Whereas, the compensation of the private secretary is

entirely inadequate to the increased work of his office, an emergency exists and is hereby declared, and this act shall take effect from its passage and approval.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | J. A. Frazier, | S. M. Russell, |
| Louis W. Arnett, | Lloyd W. Gates, | Ed. H. Shellman, |
| John Barr, | W. J. Gooch, | R. C. Simmons, |
| W. G. Baxter, | Paul Gullion, | T. J. Slaton, |
| B. O. Becker, | James A. Hagan, | Emmet P. Slattery, |
| Peter Best, Jr., | C. W. G. Hannah, | W. H. Southall, |
| Roger P. Blair, | L. F. Johnson, | John A. Stevens, |
| Joe F. Bosworth, | Wm. F. Klair, | Zeb. A. Stewart, |
| J. C. Byland, | Geo. D. Litsey, | George W. Stone, |
| N. B. Chipman, | H. M. McCarty, | C. C. Terry, |
| Bennett Clarke, | Virgil McKnight, | A. J. Thompson, |
| W. D. Claybrooke, | Henry C. Miller, | Harry Weitkamp, |
| Sam. D. Cochran, | R. W. Miller, | T. A. Weldon, |
| Henry M. Cox, | Chris Mueller, | John B. Wicker, |
| Ed. Croan, | J. M. Mitchell, | Geo. S. Wilson, |
| Charles I. Dawson, | James S. Morris, | J. T. Wilson, |
| A. L. Denny, | Ion B. Nall, | Munnell Wilson, |
| Lawrence J. Diskin, | M. M. Redwine, | W. T. Wright, |
| Thomas Drewry, | J. M. Robertson, | James G. Yaden—59. |
| W. Reed Embry, | J. T. Royalty, | |

Those who voted in the negative were—

| | | |
|---|---|---|
| E. Barry, | Robert Enlow, | W. J. Jackson, |
| W. T. Cain, | Albert Hamilton, | W. H. Jones, |
| M. F. Campbell, | J. A. Hamon, | V. W. Morris, |
| W. H. Cole, | D. C. Hopper, | Richard S. Rose—12. |

Resolved that the title of said bill be as aforesaid.

Mr. Drewry moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill, entitled

S. B. 215. Any act authorizing any county or subdivision thereof containing a city of the second class and continuous session is authorized by law to supplement the salary of the judge of the circuit court district in which said county is located.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That when any county in this Commonwealth in which there is located a city of the second class may have a population of not less than 30,000 and not more than 50,000, and no court of continuous session is authorized therein, such county, by its board of magistrates, fiscal court or commissioners, and said city, by its general council, either is, or both are, hereby authorized and empowered to allow and pay to the judge of the circuit court district in which said county is located such annual compensation in addition to that paid by the State as they may deem just and proper, not exceeding, however, the sum of two thousand dollars ($2,000) per annum.

§ 2. Whenever such additional salary is allowed, provision for its payment in monthly installments shall be made as salaries of other officers of such county or city are provided for.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| John Barr, | W. Reed Embry, | W. J. Osborne, |
| E. Barry, | M. T. Freeman, | C. M. Paynter, |
| W. G. Baxter, | Taylor P. Gabbard, | M. M. Redwine, |
| B. O. Becker, | Lloyd W. Gates, | J. M. Robertson, |
| Roger P. Blair, | W. J. Gooch, | Richard S. Rose, |
| Joe F. Bosworth, | John C. Griffith, | S. M. Russell, |
| H. Kirby Bourne, | Paul Gullion, | Ed. H. Shellman, |
| J. C. Byland, | James A. Hagan, | T. J. Slaton, |
| W. T. Cain, | Albert Hamilton, | Emmet P. Slattery, |
| M. F. Campbell, | J. A. Hamon, | W. H. Southall, |
| N. B. Chipman, | L. F. Johnson, | John A. Stevens, |
| Sam. D. Cochran, | Wm. F. Klair, | Zeb. A. Stewart, |
| H. K. Cole, | H. M. McCarty, | George W. Stone, |
| W. H. Cole. | Virgil McKnight, | C. C. Terry, |
| Charles I. Dawson, | V. W. Morris, | Harry Weitkamp, |
| A. L. Denny, | James S. Morris, | John B. Wicker, |
| Lawrence J. Diskin, | Ion B. Nall, | George S. Wilson—51. |

In the negative—A. J. Thompson.

That the title of said bill be as aforesaid.

Mr. James S. Morris moved that the vote by which said bill was pased be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

S. B. 105. An act to authorize the building or repairing of dirt, gravel or ballast roads by taxation in counties of this Commonwealth with a less assessed valuation than that of three million dollars, and providing how said funds shall be disbursed.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any county with a less assessed valuation than that of three million dollars shall, upon a vote of two-thirds of those voting upon the proposition, vote a tax of not to exceed twenty-five cents on each one hundred dollars of assessed property for road purposes, shall be levied for the building of and repairing roads. It shall be the duty of the county judge to lay off all roads in said county in road districts, and to appoint one road overseer in each district, and it shall be the duty of said road overseer to work, or cause the same to be done, in his respective road district, and he shall be paid out of said road funds not to exceed one dollar per day for his service, and he shall have not to exceed ten days in any one year. Said road overseer shall require to be performed in actual labor, on or in his road district, not less than eight hours of actual labor for one day's work, and for said labor the price shall be not more than one dollar per day for a man, and two dollars and fifty cents per day for a team of two horses and wagon or plow and scraper, and each taxpayer shall have the right to perform actual labor under the supervision of the road overseer to the amount of his or their tax, said labor to be performed in or on the roads in his or their respective road districts, and it shall be the duty of said road overseers of each and every county of this Commonwealth, voting a tax for building roads under this act, to make a full and complete report of all labor performed and by whom performed and shall make a full and complete report of all funds received and how disbursed. And all funds levied and collected under this act shall be spent in and on the roads of the respective road districts where the said tax originates, and the said road overseer shall be subject to an indictment and fine of not less than ten nor more than fifty dollars for each and every fraudulent statement he may make in his report; and it is further provided, That no county voting a tax under this act shall be barred from requiring each and every able-bodied road hand to perform such labor in or on his or their road district, as the fiscal court may direct, as now provided by

law; and it is further provided, That an election shall be held in any county to determine the wishes of the people as now provided by law for special elections.

No tax levied hereby shall exist beyond a period of five years unless again carried at an election herein provided for.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

J. M. Alverson,
Louis W. Arnett,
John Barr,
E. Barry,
W. G. Baxter,
Roger P. Blair,
Joe F. Bosworth,
H. Kirby Bourne,
W. T. Cain,
[illegible] Campbell,
N. B. Chipman,
Bennett Clarke,
W. D. Claybrooke,
Sam. D. Cochran,
H. K. Cole,
A. L. Denny,
W. Reed Embry,
M. T. Freeman,
Taylor P. Gabbard,
Lloyd W. Gates,
W. J. Gooch,
Paul Gullion,
James A. Hagan,
J. A. Hamon,
D. C. Hopper,
L. F. Johnson,
Geo. D. Litsey,
H. M. McCarty,
Virgil McKnight,
J. M. Mitchell,
James S. Morris,
Ion B. Nall,
C. M. Paynter,
M. M. Redwine,
J. M. Robertson,
Richard S. Rose,
J. T. Royalty,
Ed. H. Shellman,
R. C. Simmons,
T. J. Slaton,
Emmet P. Slattery,
W. W. Smith,
W. H. Southall,
Zeb. A. Stewart,
George W. Stone,
Harry Weitkamp,
T. A. Weldon,
W. T. Wright,
James G. Yaden—50.

Those who voted in the negative were—

B. O. Becker,
W. H. Cole,
Robert Enlow,
W. J. Jackson,
Ed. Mulcahy,
W. J. Osborne,
Henry G. Overstreet,
A. J. Thompson,
George S. Wilson—9.

Resolved, That the title of said bill be as aforesaid.

Mr. Johnson moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

S. B. 115. An act to repeal the charter of the town of Weston in Crittenden county.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act entitled "An act to incorporate the town of Weston in the county of Crittenden," approved March 9, 1868, and all such acts amendatory thereof, be, and the same are hereby, repealed, and said corporation is hereby dissolved.

§ 2. That any public money remaining in the treasury of said town when this act goes into effect, shall be turned over to the treasurer of the county of Crittenden and applied by the fiscal court of the county to the repairs of the public road now within the boundary of said town.

§ 3. This act shall take effect and be in full force and effect from and after its passage.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | Taylor P. Gabbard, | C. M. Paynter, |
| Louis W. Arnett, | Lloyd W. Gates, | M. M. Redwine, |
| John Barr, | W. J. Gooch, | J. M. Robertson, |
| E. Barry, | Paul Gullion, | Richard S. Rose, |
| W. G. Baxter, | James A. Hagan, | J. T. Royalty, |
| B. O. Becker, | Albert Hamilton, | S. M. Russell, |
| Roger P. Blair, | J. A. Hamon, | Ed. H. Shellman, |
| Joe F. Bosworth, | W. J. Jackson, | R. C. Simmons, |
| H. Kirby Bourne, | L. F. Johnson, | T. J. Slaton, |
| J. C. Byland, | Wm. F. Klair, | W. H. Southall, |
| W. T. Cain, | Geo. D. Litsey, | John A. Stevens, |
| N. B. Chipman, | Virgil McKnight, | Zeb. A. Stewart, |
| Sam. D. Cochran, | Chris Mueller, | George W. Stone, |
| H. K. Cole, | J. M. Mitchell, | C. C. Terry, |
| Charles I. Dawson, | James S. Morris, | A. J. Thompson, |
| A. L. Denny, | Ed. Mulcahy, | Geo. S. Wilson, |
| W. Reed Embry, | Ion B. Nall, | J. T. Wilson, |
| M. T. Freeman, | W. J. Osborne, | W. T. Wright—54. |

Those who voted in the negative were—

| | | |
|---|---|---|
| M. F. Campbell, | John C. Griffith, | H. G. Overstreet—7. |
| Bennett Clarke, | D. C. Hopper, | |

Resolved, That the title of said bill be as aforesaid.

Mr. George S. Wilson moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

S. B. 201. An act to amend an act for the government of cities of the first class, approved March 23, 1894, and to repeal section 8 of said act, and to substitute a section for said section 8.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the government of cities of the first class," approved March 23, 1894, be, and the same is hereby, amended as follows, to-wit:

That section 8 of said act, which is the same as section 2880 in the compilation generally styled "Kentucky Statutes," be repealed. Said section so repealed is in words and figures as follows:

"Section 2880. Police Force, Board to Appoint; Increase of; Compensation; Detectives.—The police force shall consist of one chief of police, with the rank of colonel; one assistant chief of police, with the rank of major; captains of police, not exceeding in number one to each fifty of the total number of patrolmen; sergeants of police, not exceeding one to each thirty patrolmen; detectives of police, not exceeding twelve in number, one of whom shall be chief of detectives; and patrolmen not exceeding three hundred in number. The board of public safety shall appoint all the members of the police force. The board of public safety shall have power, and it is authorized, to increase the police force by adding to the number of patrolmen from time to time, provided the general council shall have previously made an appropriation for that express purpose. The board of general council may include in the annual tax levy an amount sufficient to provide for the compensation of the additional patrolmen authorized to be appointed pursuant to the provisions of this section. The board of public safety shall maintain and continue a detective force, and shall select and appoint to perform detective duty as many patrolmen, not exceeding twelve in number, as said board of public safety may, from time to time, determine to be necessary to make this branch of the police force efficient. The patrolmen so selected and appointed shall be called detectives, and shall, while performing such detective duty, be vested with the same authority and be entitled to receive and be paid such salary as policemen as the general council may, from time to time, provide. But the board of public safety may, by

resolution, reduce to the grade of patrolmen and transfer such detective, or any number of them, to perform patrol or other police duty, and when so transferred, they shall only be entitled to receive and be paid the same rate of compensation each as patrolmen of police."

In lieu of section 8 of said act, hereby repealed as aforesaid, and as a substitute for the same, be it now enacted as follows:

"The police force shall consist of one chief of police, with the rank of colonel; one assistant chief of police, with the rank of major; seven captains of police, fourteen lieutenants of police, twenty-two sergeants of police, one secretary of police, and patrolmen not exceeding one for each seven hundred inhabitants. The board of public safety shall appoint all the members of the police force, and shall have power, and is authorized, to increase the police force by adding to the number of patrolmen, from time to time, provided the general council shall have previously made an appropriation for that express purpose. The board of general council may include in the annual tax levy an amount sufficient to provide for the compensation of additional patrolmen authorized to be appointed pursuant to the provisions of this section. The board of public safety shall maintain and continue a detective force, and shall select and appoint to perform detective duty, one of whom shall be chief of detectives, as many patrolmen as said board of public safety may, from time to time, determine to be necessary, to make this branch of the police force efficient. The patrolmen so selected and appointed shall be called detective sergeants, and shall, while performing such detective duty, be vested with the same authority and be entitled to receive and be paid such salary as policemen as the general council may, from time to time, provide.

"But the board of public safety may, by resolution, reduce to the grade of patrolman, and transfer such detectives, or any number of them, to perform patrol or other police duty, and, when so transferred, they shall only receive and be paid the same rate of compensation each as patrolmen of police.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | Thomas Drewry, | M. M. Redwine, |
| John Barr, | Robert Enlow, | J. M. Robertson, |
| E. Barry, | J. A. Frazier, | Richard S. Rose, |
| W. G. Baxter, | Taylor P. Gabbard, | J. T. Royalty, |
| B. O. Becker, | Lloyd W. Gates, | Ed. H. Shellman, |
| Roger P. Blair, | W. J. Gooch, | Emmet P. Slattery, |
| H. Kirby Bourne, | Paul Gullion, | John A. Stevens, |
| J. C. Byland, | James A. Hagan, | Zeb. A. Stewart, |
| W. T. Cain, | Albert Hamilton, | George W. Stone, |
| M. F. Campbell, | J. A. Hamon, | C. C. Terry, |
| W. D. Claybrooke, | L. F. Johnson, | A. J. Thompson, |
| Sam. D. Cochran, | Wm. F. Klair, | T. A. Weldon, |
| H. K. Cole, | Geo. D. Litsey, | W. T. White, |
| W. H. Cole, | Virgil McKnight, | John B. Wicker, |
| Ed. Croan, | Chris Mueller, | Munnell Wilson, |
| Charles I. Dawson, | James S. Morris, | W. T. Wright, |
| Lawrence J. Diskin, | C. M. Paynter, | J. A. Yates—51. |

In the negative—John C. Griffith.

Resolved, That the title of said bill be as aforesaid.

Mr. Stewart moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill, entitled

H. B. 411. An act to amend section 3660 of the Kentucky Statute, relating to an act of July 1, 1893, pertaining to the corporate powers of towns of the sixth class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 3660 of the Kentucky Statutes be amended to read as follows:

"§ 3660. All towns of the sixth class are hereby continued corporate by the respective names they now have, with power to contract and be contracted with, sue and be sued, to defend and be defended, in all courts; to acquire property for municipal and for cemetery purposes by purchase or otherwise; to hold the same and all property and effects now belonging to them, either in their own names or in the names of others, to the use of the town, for the purposes and intents for which the same were granted or dedicated; to use, manage, improve, sell and convey, rent or lease said property, and have the like powers over property hereafter acquired: Provided, That the trustees may lease, or rent, any wharf privilege for a period not to exceed five years; said towns to have a common seal, and change it at pleasure, and act with or without a seal." (Towns that constitute this class, see section 2740.)

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | J. A. Frazier, | M. M. Redwine, |
| Louis W. Arnett, | M. T. Freeman, | J. M. Robertson, |

| | | |
|---|---|---|
| John Barr, | Taylor P. Gabbard, | Richard S. Rose, |
| E. Barry, | Lloyd W. Gates, | J. T. Royalty, |
| W. G. Baxter, | W. J. Gooch, | S. M. Russell, |
| B. O. Becker, | John C. Griffith, | R. C. Simmons, |
| Roger P. Blair, | Paul Gullion, | T. J. Slaton, |
| H. Kirby Bourne, | James A. Hagan, | Emmet P. Slattery, |
| J. C. Byland, | L. F. Johnson, | W. W. Smith, |
| M. F. Campbell, | W. H. Jones, | W. H. Southall, |
| N. B. Chipman, | Wm. F. Klair, | John A. Stevens, |
| Bennett Clarke, | Geo. D. Litsey, | Zeb. A. Stewart, |
| J. W. Clay, | Virgil McKnight, | George W. Stone, |
| Sam. D. Cochran, | Chris Mueller, | C. C. Terry, |
| H. K. Cole, | James S. Morris, | J. T. Wilson, |
| Lawrence J. Diskin, | Ed. Mulcahy, | Munnell Wilson, |
| Thomas Drewry, | Ion B. Nall, | W. T. Wright, |
| W. Reed Embry, | C. M. Paynter, | James G. Yaden—54. |

In the negative—none.

Resolved that the title of said bill be as aforesaid.

Mr. Simmons moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill, entitled

H. B. 353. An act to amend section 1886 of the Kentucky Statutes, edited and compiled by John D. Carroll, issued in 1903.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1886, Kentucky Statutes, be amended by adding after the word "turnpike," in the fourth line thereof, the words, "or to the purchasing of any turnpike already constructed," so that said section, when amended, will read as follows:

"That the fiscal court of any county in this State shall have

the power to appropriate any surplus money in its treasury to the grading, graveling or building turnpike, or to the purchasing of any turnpike already constructed, or improving the county roads of their respective counties."

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the pasage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | Taylor P. Gabbard, | Ion B. Nall, |
| John Barr, | Lloyd W. Gates, | W. J. Osborne, |
| E. Barry, | W. J. Gooch, | Henry G. Overstreet, |
| B. O. Becker, | John C. Griffith, | C. M. Paynter, |
| H. Kirby Bourne, | B. P. Grigsby, Sr., | John R. Ray, |
| J. C. Byland, | Paul Gullion, | M. M. Redwine, |
| M. F. Campbell, | James A. Hagan, | J. M. Robertson, |
| N. B. Chipman, | Albert Hamilton, | Richard S. Rose, |
| Bennett Clarke, | J. A. Hamon, | J. T. Royalty, |
| Sam. D. Cochran, | D. C. Hopper, | S. M. Russell, |
| H. K. Cole, | W. J. Jackson, | R. C. Simmons, |
| W. H. Cole, | L. F. Johnson, | T. J. Slaton, |
| Ed. Croan, | W. H. Jones, | Emmet P. Slattery, |
| Henry W. Curle, | Wm. F. Klair, | W. W. Smith, |
| Charles I. Dawson, | Geo. D. Litsey, | John A. Stevens, |
| Lawrence J. Diskin, | Virgil McKnight, | A. J. Thompson, |
| Thomas Drewry, | R. W. Miller, | W. T. White, |
| Robert Enlow, | J. M. Mitchell, | J. T. Wilson, |
| J. A. Frazier, | James S. Morris, | Munnell Wilson, |
| M. T. Freeman, | Ed. Mulcahy, | W. T. Wright—60. |

In the negative—none.

Resolved that the title of said bill be as aforesaid.

Mr. Simmons moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill, entitled

H. B. 446. An act to appropriate $2,500 to assist in erecting a tablet in Larue county to the memory of Abraham Lincoln.

Said bill is as follows, viz.:

Whereas, the people of the Commonwealth of Kentucky have learned with profound satisfaction of the purchase by the publisher of Collier's Weekly of the farm in Larue county on which Abraham Lincoln was born, and of his patriotic offer to present it to the American people to be used as a national memorial park; and

Whereas, the attention of the nation has thereby been attracted to this historic spot, and the establishment of a great memorial park is now assured; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of two thousand five hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to be expended in erecting on the public square in the town of Hodgenville, Larue county, Kentucky, a memorial shaft or tablet, to be inscribed as follows:

"Two miles south of this town Abraham Lincoln was born February 12, 1809," and with such other inscription as may to the committee hereinafter referred to seem proper.

§ 2. Said shaft or tablet is to be erected under the supervision of a committee to be composed of five members, who shall be appointed by the Governor of this Commonwealth, and who shall serve without compensation; and at least two members of this committee shall be residents of Larue county; and the money hereby appropriated shall be paid to the chairman of said committee.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | M. T. Freeman, | Chris Mueller, |
| John Barr, | Taylor P. Gabbard, | J. M. Mitchell, |
| E. Barry, | Lloyd W. Gates, | V. W. Morris, |
| Charles C. Beard, | W. J. Gooch, | Ion B. Nall, |
| B. O. Becker, | John C. Griffith, | W. J. Osborne, |
| Joe F. Bosworth, | B. P. Grigsby, Sr., | C. M. Paynter, |
| J. C. Byland, | Paul Gullion, | M. M. Redwine, |
| M. F. Campbell, | James A. Hagan, | Richard S. Rose, |
| N. B. Chipman, | Albert Hamilton, | J. T. Royalty, |
| Bennett Clarke, | D. C. Hopper, | S. M. Russell, |
| H. K. Cole, | L. F. Johnson, | R. C. Simmons, |
| W. H. Cole, | W. H. Jones, | T. J. Slaton, |
| Henry W. Curle, | Wm. F. Klair, | John B. Wicker, |
| Charles I. Dawson, | Geo. D. Litsey, | J. T. Wilson, |
| Lawrence J. Diskin, | H. M. McCarty, | Munnell Wilson, |
| Thomas Drewry, | Virgil McKnight, | Wm. Wilt, |
| Robert Enlow, | R. W. Miller, | James C. Yaden--51. |

Those who voted in the negative were—

| | | |
|---|---|---|
| Peter Best, Jr., | Ed. Croan, | W. H. Southall, |
| Roger P. Blair, | J. A. Frazier, | Zeb. A. Stewart, |
| H. Kirby Bourne, | W. J. Jackson, | A. J. Thompson, |
| W. D. Claybrooke, | Ed. Mulcahy, | W. T. Wright—13. |
| Sam. D. Cochran, | | |

Resolved that the title of said bill be as aforesaid.

Mr. Enlow moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The committees to which the same had been referred reported the following bills and a joint resolution, viz.:

By Mr. Byland, of the Committee on Insurance:

S. B. 262. An act to amend section 350 of the Kentucky Statutes, relating to insurance.

By same:

S. B. 263. An act to repeal section 224 of the Kentucky Statutes, relating to insurance.

By Mr. Shellman, of the Committee on Appropriations:

S. B. 8. An act appropriating the sum of $12,500 to be applied to the repair of the monument of Henry Clay in the cemetery at Lexington and to provide a suitable statue surmounting the same and to provide for a commission to contract for and execute said work.

With an amendment thereto.

By Mr. Alverson, of the Committee on the Agricultural and Mechanical College.

S. B. 70. An act to provide an appropriation for the erection and equipment of a building for the normal department of the Agricultural and Mechanical College of Kentucky, and to provide for granting certificates to teach in the public schools by said department.

By same:

S. Res. 25. Resolution relative to the Agricultural and Mechanical College.

Said bills and resolution were severally read the first time and ordered to be placed upon the calendar, except S. B. 70 and S. Res. 25, which were ordered to be recommitted to the Committee on Appropriations.

Mr. R. W. Miller moved that when the House do adjourn this afternoon, it to be to meet to-morrow morning at 10:00 o'clock.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill, entitled

H. B. 342. An act to amend section 1085, article 7, chapter 35, Kentucky Statutes, and providing for the place of holding justices' courts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one thousand and eighty-five, article seven, chapter thirty-five, Kentucky Statutes, be, and the same is hereby, amended by adding to the same the following words, to-wit: "Each justice of the peace shall maintain his office and hold his court within the boundaries of the magisterial district in which he has been elected; and no justice of the peace shall maintain an office or hold court without the boundaries of said district." So that said section when so amended shall read in full as follows:

§ 1085. Terms of Court—County Court to Fix and Change—Place of Holding Court.—Each justice of the peace shall hold a court in his district for the trial of civil causes once in every three months in each year; but in cities of the first, second and third class a court may be held monthly, the term to continue until the business is disposed of. The terms shall be fixed by an order of the county court entered of record, and when so fixed shall not be changed, except at the last regular term of the county court held in the year next preceding the year in which the change is to be made; until changed as herein provided, the term shall be held upon the days now fixed. Each justice of the peace shall maintain his office and hold his court within the boundaries of the magisterial district in which he has been elected, and no justice of the

peace shall maintain an office or hold court without the boundaries of said district.

Mr. Gates offered the following amendment to said bill, viz.:

Amend by exempting counties having cities of the first class.

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, and the same being engrossed, said bill was read the third time by its title.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | J. A. Frazier, | Albert Hamilton, |
| John Barr, | Taylor P. Gabbard, | L. F. Johnson, |
| Joe F. Bosworth, | Lloyd W. Gates, | Wm. F. Klair |
| Bennett Clarke, | W. J. Gooch, | Geo. D. Litsey, |
| Henry M. Cox, | John C. Griffith, | M. M. Redwine, |
| Charles I. Dawson, | B. P. Grigsby, Sr., | T. J. Slaton, |
| Lawrence J. Diskin, | Paul Gullion, | John B. Wicker, |
| Robert Enlow, | James A. Hagan, | Munnell Wilson—24. |

Those who voted in the negative were—

| | | |
|---|---|---|
| H. Kirby Bourne, | W. J. Jackson, | W. J. Osborne, |
| N. B. Chipman, | Henry C. Miller, | C. M. Paynter, |
| W. H. Cole, | J. M. Mitchell, | J. M. Robertson, |
| Henry W. Curle, | V. W. Morris, | Richard S. Rose, |
| M. T. Freeman, | James S. Morris, | C. C. Terry, |
| D. C. Hopper, | Ed. Mulcahy, | W. T. Wright—19. |

It appearing that there is not a quorum present, Mr. Drewry moved that the House do now adjourn.

Said motion was agreed to.

SATURDAY, MARCH 10, 1906.

The House opened with prayer by the Rev. T. N. Arnold, of the Christian church.

The reading of the Journal of yesterday's proceedings was dispensed with and the same was approved.

Mr. Bosworth offered the following resolution, viz.:

Whereas, on account of the unusually large number of contests in this House, and the great delay in printing during the early part of this session, the business of the House has been greatly congested during the last twenty days, and on account thereof the labors of the clerks have been unprecedently heavy and onerous.

Resolved, That there is hereby allowed to the chief clerk of this House the sum of three hundred and sixty-six dollars to pay for large amount of extraordinary work; that same was necessary in order to properly keep up the business and work of the House, and is therefore declared to be a necessary contingent expense, and the Auditor is hereby directed to draw his warrant on the Treasurer for said sum in favor of James E. Stone, when a copy of this resolution is certified to him.

Said resolution was agreed to.

The committees to which the same had been referred reported bills of the following titles, viz.:

By Mr. McLean, of the Committee on Municipalities:

S. B. 274. An act concerning excavations in cities of the first class.

By Mr. H. K. Cole, of the Committee on Internal Improvements:

S. B. 225. An act to amend an act, entitled "An act to author-

ize the counties of this Commonwealth to issue bonds for the construction of turnpikes and gravel roads," approved March 22, 1904.

By Mr. Diskin, of the Committee on County and City Courts:

S. B. 273. An act relating to fiscal courts and providing a condition upon which accounts against any county may be paid.

By Mr. Simmons, of the Committee on Judiciary:

S. B. 256. An act to provide against the evils resulting from the traffic in certain drugs, and to regulate the sale thereof.

Together with an amendment thereto by way of substitute therefor.

Said bills were severally read the first time at length and ordered to be placed on the calendar.

The House took up for consideration, from the orders of the day, a bill, entitled

S. B. 33. An act to amend section 1214 of Kentucky Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1214 of the Kentucky Statutes be amended as follows: By inserting after the word "seduced," where it first appears in said section, the words "unless he shall willfully and without just cause abandon or desert her within two years after the date of the marriage," and inserting in lieu thereof the words, "upon the request of the defendant be suspended," and by adding after the word "judgment" the words, "but the prosecution shall be renewed and proceed as though no marriage had taken place, if the accused shall willfully and without just cause abandon or desert his wife within five years after the marriage," and by striking out the word "two," where it appears in said section, and inserting in lieu thereof the word "three." Said section when amended will read as follows:

"§ 1214. Whoever shall, under promise of marriage, seduce and have carnal knowledge of any female under twenty-one years of age, shall be guilty of a felony, and upon conviction thereof shall be confined in the penitentiary not less than one year nor more than five years. No prosecution shall be instituted where the person charged shall have married the girl seduced, or offer and be willing to marry her unless he shall willfully and without such cause as constitutes a statute ground of divorce to the husband abandon or desert her within three years after the date of the marriage; and any prosecution instituted, shall, upon the request of the defendant, be suspended, if the party accused marry the girl seduced before final judgment; but the prosecution shall be renewed and proceed as though no marriage had taken place if the accused shall willfully and without such cause as constitutes a statutory ground of divorce to the husband abandon or desert his wife within three years after the marriage. All prosecutions under this section shall be instituted within four years after the commission of the offense."

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | W. J. Gooch, | C. M. Paynter, |
| John Barr, | A. J. Gorham, | John R. Ray, |
| E. Barry, | John C. Griffith, | M. M. Redwine, |
| W. G. Baxter, | B. P. Grigsby, Sr., | J. M. Robertson, |
| B. O. Becker, | Paul Gullion, | J. T. Royalty, |
| Roger P. Blair, | James A. Hagan, | S. M. Russell, |
| H. Kirby Bourne, | J. A. Hamon, | T. J. Slaton, |
| J. C. Byland, | L. P. Head, | Emmet P. Slattery, |

| | | |
|---|---|---|
| Bennett Clarke, | W. J. Jackson, | John A. Stevens, |
| J. W. Clay, | W. H. Jones, | C. C. Terry, |
| W. D. Claybrooke, | Wm. F. Klair, | A. J. Thompson, |
| Sam. D. Cochran, | Geo. D. Litsey, | C. F. Thornton, |
| Henry M. Cox, | H. M. McCarty, | Harry Weitkamp, |
| Ed. Croan, | Virgil McKnight, | W. T. White, |
| Lawrence J. Diskin, | Henry C. Miller, | John B. Wicker, |
| Thomas Drewry, | R. W. Miller, | Munnell Wilson, |
| W. Reed Embry, | J. M. Mitchell, | J. Hal Woodford, |
| Robert Enlow, | Ed. Mulcahy, | W. T. Wright, |
| J. A. Frazier, | W. J. Osborne, | J. A. Yates—59. |
| Lloyd W. Gates, | Henry G. Overstreet, | |

Those who voted in the negative were—

| | | |
|---|---|---|
| Peter Best, Jr., | M. T. Freeman, | W. W. Smith, |
| W. T. Cain, | Taylor P. Gabbard, | W. H. Southall, |
| M. F. Campbell, | James S. Morris, | T. A. Weldon, |
| W. H. Cole, | Richard S. Rose, | Geo. S. Wilson, |
| Charles I. Dawson, | Ed. H. Shellman, | J. T. Wilson—16. |
| A. L. Denny, | | |

Resolved, That the title of said bill be as aforesaid.

Mr. Arnett moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

S. B. 164. An act to amend an act, entitled "An act to provide for the establishment and maintenance of a Confederate Home, to be a charitable institution of the State of Kentucky, and providing for the care and maintenance of the infirm and dependent Confederate soldiers of Kentucky, and to provide, under proper conditions, for admission and care of soldiers who may have wives, and for those who may have rendered service to the Confederate cause," approved March 27, 1902, and amended by an act approved March 26, 1904.

Together with the amendment proposed thereto by the Committee on Appropriations.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 4 in the act approved February 26, 1904, which reads as follows:

"Sec. 4. The said board of trustees are required to elect a president from among their own number, and may, at its discretion, elect a treasurer and secretary, either from among the members of the board of directors, or may, if they deem it necessary, elect some one either secretary or treasurer who is not a member of the board of trustees, and to fix the amount of bond which the treasurer shall be required to give, which bond shall be approved by the Governor of Kentucky, and deposited with the Secretary of State. The Governor, at the time of appointing the board, shall designate five of its members who shall hold their office for four years, five who shall hold their office for three years, and five who shall hold their office for two years and thereafter every two years the Governor shall appoint five members of the said board of trustees. Vacancies occurring before the expiration of the term of any of the trustees shall be filled by appointment by the Governor. The members of said board of trustees shall perform the duties imposed upon them by the provisions of this act without compensation for their services. Said board of trustees shall, on the second Monday in January of each and every year, furnish a detailed report of all receipts and expenditures, and of all property owned by the corporation, and a financial statement shall be made under oath by the treasurer, through the board of trustees, of the financial transactions of the previous year, which shall contain a detailed statement of the moneys or other things received from every source on account of said home, and an itemized account of its disbursements. Said board of trustees shall have power and authority to make all

necessary rules and regulations for the control, management and maintenance of said Confederate Home, and for the admission and discharge of the inmates thereof, and shall also have full power to control and appoint and remove at will all the employes necessary in the management of the home," is hereby amended to read as follows:

"Sec. 4. The said board of trustees are required to elect a president from their own number, and may, at its discretion, elect a treasurer and secretary, either from among the members of the board of directors, or may, if they deem it necessary, elect some one either secretary or treasurer who is not a member of the board of trustees, and to fix the amount of bond which the treasurer shall be required to give, which bond shall be approved by the Governor of Kentucky, and deposited with the Secretary of State. The Governor hereafter making appointments shall designate on the first Tuesday of April of each and every year, or as soon thereafter as possible, five members of such board who shall hold their office for six years from the date of their appointment and shall thereafter, every second year, on the first Tuesday of April, appoint likewise five members of said board of trustees, who shall hold their office for six years after their said appointment for the first Tuesday in April, 1906, the Governor shall appoint five members of said board of trustees who shall hold their office for six years and five who shall hold their office for four years, and all the directors who shall be in office on the first day of April, 1906, shall hold their office for two years from and after said date, and thereafter every two years the Governor shall appoint, as hereinbefore provided, five members of said board of trustees. Vacancies occurring before the expiration of the term of any of the trustees shall be filled by appointment by the Governor. The members of said board of trustees shall perform the duties imposed upon them by the provisions of this act without compensation for their services. Said board of trustees shall, on the second Monday in January of each and every year, furnish a detailed account of all receipts and expenditures, and of all property owned by the corporation, and a financial statement

shall be made under oath by the treasurer, through the board of trustees, of the financial transactions of the previous years, which shall contain a detailed statement of the moneys and other things received from every source on account of said home, and an itemized account of its disbursements. Said board of trustees shall have power and authority to make all necessary rules and regulations for the control and management and maintenance of said Confederate Home, and for the admission and discharge of the inmates thereof, and shall also have full power to control and appoint and remove at will all the employes necessary in the management of the home.

There is hereby appropriated out of the general revenue of the State of Kentucky for the benefit of the Kentucky Confederate Home at Pewee Valley, Kentucky, to be expended by the board of trustees thereof, as hereinafter set forth, the following named sums for the specific purposes, constructions, improvements and purchase the same herein named and set forth as follows, to-wit:

1st. For additional land along over which or through which to lay pipes for the removal of sewerage, an amount not exceeding one thousand dollars.

2d. For the construction of sewers, an amount not to exceed eighteen hundred dollars.

3d. For the painting of the home, formerly known as the Inn, the sum of one thousand dollars.

4th. For the strengthening, increasing, improving and repairing all necessary reservoirs and the pipes leading thereto, and for securing sufficient water for the use of the inmates of said home, an amount not to exceed two thousand dollars.

5th. For the construction of a laundry for the use of said home, an amount not to exceed one thousand dollars.

The board of trustees are authorized to provide for the maintenance of the said man and wife out of the per capita funds now provided by law and provided they shall not have an amount to exceed the per capita of one inmate. It is further provided, that no inmate shall have the benefit of said cottages, who were not

married prior to the enactment of this law. It is further ordered and the board of trustees should direct, to keep the building and furniture on the ground of said home insured in responsible companies for not less than forty thousand dollars, and as all of said property is held in the name of the Commonwealth of Kentucky, it is ordered that whenever such insurance is taken out and the amount thereof is certified by the president of said Confederate Home to the Auditor of Public Accounts, that the said Auditor shall thereupon draw his warrant or warrants upon the Treasurer of the State in favor of the party or parties furnishing said insurance, and none of the money hereinbefore appropriated for the several purposes herein set forth shall be paid to the treasurer of the Kentucky Confederate Home, except in payment of the work and improvements mentioned herein, and the president of the said home shall make draft or drafts for any of the amounts herein set forth upon the Auditor of Public Accounts, accompanied by the certificates of the architects of said work that parts thereof have been done as shall be named in said certificates. The Auditor of Public Accounts shall thereupon draw his warrant or warrants upon the Treasurer of said State in favor of the treasurer of the said Confederate Home, or in favor of the parties doing said work.

The board of trustees shall, within sixty days after the completion of the work and improvements herein provided for, make an itemized statement, showing each and every item of expenditure of said board upon the authority and provision of this act, the same to be verified by the president of said board, and the said statement shall be filed with the Auditor of Public Accounts. If the amounts herein appropriated shall not be used for the particular objects for which they are named, and in case the particular appropriation made for each object shall not be sufficient for the specific purpose named, then any surplus of the appropriation may be used by the board of trustees of the Confederate Home in performing and doing the things prescribed in this act, and any and all property acquired shall be conveyed to the Commonwealth of Kentucky

upon the same conditions as provided in the Act of March 27, 1902, establishing said Confederate Home and as amended by the act approved February 26, 1904.

Because of the urgent necessity for the building and improvements herein provided for, and necessity thereof for the comfort and health of the inmates of the Kentucky Confederate Home, an emergency is declared to exist and it is enacted that this act shall take effect on and after its approval.

Said amendment is as follows, viz.:

Amend S. B. No. 164 as follows:

1. By striking out on 8th page of engrossed bill the following: "Fourth, for the erection of a chapel for worship, entertainments and other public purposes, an amount not to exceed fifteen hundred dollars."

2. By striking out on same page (8), in line 23, in item 5, the words, "four thousand dollars," and insert in lieu thereof the words, "two thousand dollars."

3. By striking out on same page (8), in lines 27-28 and lines 1, 2, 3, 4, 5, 6 and 7, page 9, the following: "For the construction of cottages for the use of the inmates of the home and their wives, the sum of three thousand dollars," said cottages to be constructed on the grounds now owned by the State and not to cost more than four hundred dollars each.

Said amendment was agreed to.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | B. P. Grigsby, Sr., | J. M. Robertson, |
| John Barr, | Paul Gullion, | Richard S. Rose, |
| E. Barry, | James A. Hagan, | S. M. Russell, |
| W. G. Baxter, | Albert Hamilton, | J. T. Scott, |
| B. O. Becker, | J. A. Hamon, | Ed. H. Shellman, |
| Peter Best, Jr., | L. P. Head, | R. C. Simmons, |
| Roger P. Blair, | W. J. Jackson, | T. J. Slaton, |
| Joe F. Bosworth, | L. F. Johnson, | Emmet P. Slattery, |
| H. Kirby Bourne, | Wm. F. Klair, | W. W. Smith, |
| J. C. Byland, | Geo. D. Litsey, | W. H. Southall, |
| N. B. Chipman, | H. M. McCarty, | John A. Stevens, |
| J. W. Clay, | Virgil McKnight, | George W. Stone, |
| W. D. Claybrooke, | Henry C. Miller, | C. C. Terry, |
| Sam. D. Cochran, | R. W. Miller, | A. J. Thompson, |
| Henry M. Cox, | Chris Mueller, | Harry Weitkamp, |
| Ed. Croan, | J. M. Mitchell, | W. T. White, |
| Lawrence J. Diskin, | James S. Morris, | John B. Wicker, |
| Thomas Drewry, | Ed. Mulcahy, | Geo. S. Wilson, |
| W. Reed Embry, | Ion B. Nall, | J. T. Wilson, |
| Robert Enlow, | Henry G. Overstreet, | Munnell Wilson, |
| J. A. Frazier, | C. M. Paynter, | W. T. Wright, |
| Lloyd W. Gates, | John R. Ray, | James C. Yaden, |
| W. J. Gooch, | M. M. Redwine, | J. A. Yates—70. |
| A. J. Gorham, | | |

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

Mr. James S. Morris moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill entitled

S. B. 261. An act to amend and re-enact section 3629 of the Kentucky Statutes, the same being a part of the charters of cities

of the fifth class to authorize cities of the fifth class by their council to appoint one policeman in addition to the regular marshal and to fix his salary.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 3629 of the Kentucky Statutes be, and the same is hereby, amended and re-enacted, so that when so amended and re-enacted it will read as follows:

"Sec. 3629. The department of police of said city shall be under the direction and control of the city marshal; and for the suppression of any riot, public tumult, disturbance of the peace, or resistance against the law or public authorities, in the lawful exercise of their functions, he shall have the powers that are now, or may hereafter be, conferred upon the sheriffs by the laws of the State, and shall, in all respects, be entitled to the same protection; and his lawful orders shall be promptly executed by deputies, police officers and watchmen in said city, and every citizen shall also lend his aid, when required, for arrest of offenders and maintenance of public order.

"He shall, and he is hereby authorized to, execute and return all process issued and directed to him by legal authority. It shall be his duty to prosecute before the police court all breaches or violations of, or non-compliance with, any city ordinance which shall come to his knowledge. He shall collect all taxes placed in his hands by the city council for collection, except license taxes and taxes paid by banks, trust companies, building associations and other corporations; which taxes shall be paid directly to the treasurer. He shall, on the first Monday in each month pay to the treasurer all taxes and other funds of the city collected by him during the preceding month. He shall, upon payment of the money, file with the treasurer an affidavit stating that the money so paid is all the taxes or funds he has collected or received during said month. He shall, upon the receipt of any tax list, give his receipt for same to the city clerk; and shall, upon depositing with the city

clerk the delinquent tax list, take his receipt therefor. He shall have charge of the city prison and prisoners and of any chain gang which may be established by the city council. He shall, for service of any process, receive the same fees as constables. He may appoint, subject to the approval of the city council, one or more deputies, for whose acts he and his bondsmen shall be responsible, whose only compensation shall be fees for service of process, which shall be the same as those allowed the city marshal. He shall also, with the concurrence of the mayor and the city council, when the same may be by them deemed necessary for the preservation of public order, appoint additional policemen, who shall discharge the duties assigned them for one day only. When the city council may deem it necessary, he shall also appoint a policeman, subject to the approvall of the mayor and the city council, who shall hold office during the pleasure of, and whose compensation shall be fixed by, the city council. Such policeman shall execute bond, to be approved by the city council, for the faithful performance of his duty. He (the marshal) shall perform such other services as this chapter and the ordinances of the city council shall require: Provided, That the city council may appoint a city tax collector, who shall perform the duties pertaining to the collection of taxes as heretofore set out in this chapter, but who shall give bond in such sum as may be required by the city council before entering upon the discharge of his duties."

§ 2. An emergency is hereby declared to exist, and this act shall take effect from and after its passage and approval by the Governor.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | Taylor P. Gabbard, | John R. Ray, |
| Louis W. Arnett, | Lloyd W. Gates, | M. M. Redwine, |
| John Barr, | W. J. Gooch, | J. M. Robertson, |
| E. Barry, | A. J. Gorham, | S. M. Russell, |
| W. G. Baxter, | Paul Gullion, | Ed. H. Shellman, |
| B. O. Becker, | James A. Hagan, | R. C. Simmons, |
| Peter Best, Jr., | Albert Hamilton, | T. J. Slaton, |
| Roger P. Blair, | J. A. Hamon, | Emmet P. Slattery, |
| Joe F. Bosworth, | L. P. Head, | W. W. Smith, |
| H. Kirby Bourne, | D. C. Hopper, | W. H. Southall, |
| J. C. Byland, | W. J. Jackson, | John A. Stevens, |
| W. T. Cain, | L. F. Johnson, | George W. Stone, |
| I. F. Campbell, | W. H. Jones, | C. C. Terry, |
| Bennett Clarke, | Wm. F. Klair, | C. F. Thornton, |
| J. W. Clay, | Geo. D. Litsey, | Harry Weitkamp, |
| W. D. Claybrooke, | Virgil McKnight, | T. A. Weldon, |
| Sam. D. Cochran, | Henry C. Miller, | W. T. White, |
| W. H. Cole, | R. W. Miller, | John B. Wicker, |
| Lawrence J. Diskin, | J. M. Mitchell, | Geo. S. Wilson, |
| Thomas Drewry, | James S. Morris, | J. T. Wilson, |
| W. Reed Embry, | Ed. Mulcahy, | Munnell Wilson, |
| Robert Enlow, | Ion B. Nall, | J. Hal Woodford, |
| J. A. Frazier, | Henry G. Overstreet, | W. T. Wright, |
| M. T. Freeman, | C. M. Paynter, | J. A. Yates—72. |

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

Mr. Arnett moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill, entitled

S. B. 297. An act to regulate the racing of running horses in the Commonwealth of Kentucky and to establish a State racing commission and prescribing its powers and duties.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any corporation formed for the purpose of racing and breeding or improving the breed of horses and conducting races and contests of speed, shall have the power and right, subject to the provisions of this act, to hold one or more race meetings in each year, and to hold, maintain and conduct running races at such meetings. At such meetings the corporation or the owners of the horses engaged in such races, or others who are not participants in the racing, may contribute purses, prizes, premiums or stakes to be contested for; but no person or persons other than the owner or owners of a horse or horses contesting in a race shall have any pecuniary interest in a purse, prize, premium or stake contested for in such race, or be entitled to, or receive any portion thereof after such race shall have been finished; and the whole of such purse, prize, premium or stake shall be allotted in accordance with the terms and conditions of such race. Such meetings shall not be held except during the period extending from the 1st day of April to the 1st day of December, inclusive, in each year. No running races are authorized or shall be permitted except during the period aforesaid, nor except between sunrise and sunset.

§ 2. A State racing commission is hereby established, to consist of five persons to be appointed by the Governor, three of whom shall be breeders and raisers of thoroughbred stock, and no two of whom shall be members of the same racing association. The members of said commission shall hold their offices for a term of four years, and the first commission shall be appointed within twenty days after this act shall go into effect. Such commission shall appoint a secretary, who shall serve during its pleasure, whose duty it shall be to keep a full and faithful record of its proceedings, and preserve at its general office all books, maps, documents and papers entrusted to its care, and perform such other duties as the commission may prescribe. He shall be paid a salary, to be fixed

by the commission at a rate not exceeding twelve hundred dollars per annum, which shall be paid by the several racing corporations or associations, the amounts to be paid by each to be appointed by the commission, which shall on or before the 1st day of December in each year assess upon each of said corporations or associations its just proportion of such salary. The commission shall biennially make a full report to the General Assembly of its proceedings for the two-year period ending with the 1st day of December preceding the meeting of the General Assembly, and shall embody therein such suggestions and recommendations as it shall deem desirable.

§ 3. Said commission shall have the power to prescribe the rules, regulations and conditions under which running races shall be conducted in this State, and no such races shall be conducted except by a corporation or association duly licensed by said commission, as herein provided. Any corporation or association desiring to conduct such racing may annually apply to the State racing commission for a license so to do. If in the judgment of the commission a proper case for the issuance of such license is shown, it may grant the same for a term of one year; and every such license shall contain a condition that all races or race meetings conducted thereunder shall be subject to the rules, regulations and conditions from time to time prescribed by the commission, and shall be revocable by the commission for any violation thereof, or whenever the continuance of such license shall be deemed by the commission not conducive to the interests of legitimate racing. But if said license is refused or revoked, said commission shall publicly state its reasons for so doing, and said reasons shall be written in full in the minute book of said commission, which shall at all times be subject to inspection upon application of any one desiring so to do. Said finding of said commission shall be subject to the review of a court of competent jurisdiction: Provided, That a refusal of the commission to grant any racing association license, or to assign any racing association at least forty days in each year, if desired, for racing at such association, and the decision of such commission

revoking any license of any association shall be subject to review of the courts of the State.

§ 4. Every running race meeting at which racing shall be permitted for any stake, purse or reward, except as allowed by this act, is hereby declared to be a public nuisance, and every person acting or aiding therein shall be deemed guilty of a misdemeanor and punished by a fine of not less than five hundred dollars nor more than one thousand dollars for each day of such meeting or racing; and, in addition thereto, in a suit brought for the purpose by the State racing commission in the circuit court of the county where it may be proposed to conduct such unauthorized racing, an injunction may be obtained against the same.

§ 5. This act shall not apply to trotting meetings or races, nor to racing conducted by any State, county or other fair association, holding not more than one meeting annually, and for a period not exceeding six days for such meeting.

§ 6. Inasmuch as there is no general law regulating racing in this Commonwealth, and it is desirable that one should be in operation as soon as possible, an emergency is hereby declared to exist and this act shall be in full force and effect from and after its passage.

Mr. Drewry offered the following amendment to said bill, viz.:

§ —. Any corporation or association granted a license under the provisions of this act shall not be permitted to conduct more than forty days' racing in any one year.

Said amendment was disagreed to.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in

accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

J. M. Alverson,
Louis W. Arnett,
John Barr,
E. Barry,
W. G. Baxter,
B. O. Becker,
Peter Best, Jr.,
Roger P. Blair,
Joe F. Bosworth,
H. Kirby Bourne,
J. C. Byland,
W. T. Cain,
M. F. Campbell,
N. B. Chipman,
Bennett Clarke,
J. W. Clay,
W. D. Claybrooke,
H. K. Cole,
W. H. Cole,
Henry M. Cox,
Ed. Croan,
Henry W. Curle,
Charles I. Dawson,
A. L. Denny,
Lawrence J. Diskin,
Thomas Drewry,
W. Reed Embry,
Robert Enlow,
J. A. Frazier,
Taylor P. Gabbard,
Lloyd W. Gates,
A. J. Gorham,
John C. Griffith,
B. P. Grigsby, Sr.,
Paul Gullion,
James A. Hagan,
W. C. Halbert,
Albert Hamilton,
J. A. Hamon,
C. W. G. Hannah,
L. P. Head,
D. C. Hopper,
L. F. Johnson,
W. H. Jones,
Wm. F. Klair,
Geo. D. Litsey,
H. M. McCarty,
Virgil McKnight,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
J. M. Mitchell,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
Henry G. Overstreet,
C. M. Paynter,
M. M. Redwine,
J. M. Robertson,
J. T. Royalty,
S. M. Russell,
J. T. Scott,
R. C. Simmons,
T. J. Slaton,
Emmet P. Slattery,
W. W. Smith,
W. H. Southall,
John A. Stevens,
George W. Stone,
C. C. Terry,
A. J. Thompson,
C. F. Thornton,
Harry Weitkamp,
T. A. Weldon,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson,
J. Hal Woodford,
W. T. Wright,
J. A. Yates—82.

In the negative—W. J. Jackson.

Resolved, That the title of said bill be as aforesaid.

Mr. Klair moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

S. B. 237. An act authorizing and empowering the Commissioners of the Sinking Fund to donate any interest the Commonwealth may own in any turnpike road companies in this State when all the stock in any such turnpike company is owned by the Commonwealth and any county or counties, and such county or counties will undertake to make and maintain such turnpike free of toll to the traveling pubilc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever all the capital stock in any turnpike road in this State is owned by the Commonwealth of Kentucky and any county or counties, such county or counties will agree to make and maintain said turnpike road free of toll to the traveling public, the Commissioners of the Sinking Fund are hereby authorized and empowered to donate the stock and interest of the Commonwealth in such turnpike to such county or counties, and thereafter said turnpike road shall be maintained by said county or counties as a free turnpike as other free turnpikes are now maintained by such county or counties.

§ 2. This act shall take effect and be in force from its passage.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | Henry M. Cox, | H. M. McCarty, |
| Louis W. Arnett, | Henry W. Curle, | M. H. McLean, |
| John Barr, | Charles I. Dawson, | Henry C. Miller, |
| E. Barry, | Lawrence J. Diskin, | R. W. Miller, |
| W. G. Baxter, | Robert Enlow, | Chris Mueller, |
| B. O. Becker, | J. A. Frazier, | J. M. Mitchell, |
| Roger P. Blair, | M. T. Freeman, | Ed. Mulcahy, |
| Joe F. Bosworth, | Taylor P. Gabbard, | W. J. Osborne, |
| H. Kirby Bourne, | Lloyd W. Gates, | C. M. Paynter, |
| J. C. Byland, | A. J. Gorham, | J. M. Robertson, |
| M. F. Campbell, | B. P. Grigsby, Sr., | S. M. Russell, |
| Bennett Clarke, | Paul Gullion, | T. J. Slaton, |
| J. W. Clay, | Albert Hamilton, | W. H. Southall, |
| W. D. Claybrooke, | L. P. Head, | John A. Stevens, |
| Sam. D. Cochran, | L. F. Johnson, | C. C. Terry, |
| H. K. Cole, | Wm. F. Klair, | A. J. Thompson—51. |
| W. H. Cole, | Geo. D. Litsey, | |

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

Mr. Arnett moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

S. B. 95. An act to amend and re-enact an act, entitled "An act to reapportion the State into eleven congressional districts," approved May 26, 1890, and amendatory acts thereto, being section 418a, chapter 23a, Kentucky Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act of the General Assembly of the Commonwealth of Kentucky, entitled "An act to reapportion the State into eleven

congressional districts," approved May 26, 1890, and amendatory acts thereto, being section 418a, chapter 23a, of the Kentucky Statutes, be, and the same is hereby, amended and re-enacted so as to read as follows:

"Sec. 418a. That the State of Kentucky be, and the same is hereby, laid off into eleven congressional districts, composed as follows, to-wit: The first district shall be composed of the counties of Ballard, Caldwell, Calloway, Carlisle, Crittenden, Fulton, Graves, Hickman, Livingston, Lyon, Marshall, McCracken and Trigg; the second district shall be composed of the counties of Christian, Daviess, Hancock, Henderson, Hopkins, McLean, Union and Webster; the third district shall be composed of the counties of Allen, Butler, Barren, Edmonson, Logan, Metcalfe, Muhlenberg, Simpson, Todd and Warren; the fourth district shall be composed of the counties of Breckinridge, Bullitt, Grayson, Green, Hardin, Hart, Larue, Marion, Meade, Nelson, Ohio, Taylor and Washington; the fifth district shall be composed of the county of Jefferson; the sixth district shall be composed of the counties of Boone, Campbell, Carroll, Gallatin, Grant, Kenton, Pendleton and Trimble; the seventh district shall be composed of the counties of Bourbon, Fayette, Franklin, Henry, Oldham, Owen, Scott and Woodford; the eighth district shall be composed of the counties of Anderson, Boyle, Casey, Garrard, Jessamine, Lincoln, Madison, Mercer, Rockcastle, Shelby and Spencer; the ninth district shall be composed of the counties of Bracken, Bath, Boyd, Carter, Fleming, Greenup, Harrison, Lewis, Lawrence, Mason, Nicholas, Robertson and Rowan; the tenth district shall be composed of the counties of Breathitt, Clark, Elliott, Estill, Floyd, Johnson, Knott, Lee, Martin, Magoffin, Montgomery, Morgan, Menifee, Pike, Powell and Wolfe; the eleventh district shall be composed of the counties of Adair, Bell, Clay, Clinton, Cumberland, Harlan, Jackson, Knox, Letcher, Leslie, Laurel, Monroe, Owsley, Perry, Pulaski, Russell, Wayne and Whitley."

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said

bill at length being dispensed with, said bill was read the third time by its title.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | W. Reed Embry, | J. T. Scott, |
| Louis W. Arnett, | W. J. Gooch, | R. C. Simmons, |
| John Barr, | Paul Gullion, | T. J. Slaton, |
| W. G. Baxter, | James A. Hagan, | W. H. Southall, |
| Joe F. Bosworth, | L. P. Head, | George W. Stone, |
| J. C. Byland, | L. F. Johnson, | C. F. Thornton, |
| N. B. Chipman, | Henry C. Miller, | T. A. Weldon, |
| J. W. Clay, | Henry G. Overstreet, | Geo. S. Wilson, |
| Henry M. Cox, | M. M. Redwine, | Munnell Wilson, |
| Ed. Croan, | J. M. Robertson, | W. T. Wright, |
| Charles I. Dawson, | S. M. Russell, | Speaker Lawrence—33 |

Those who voted in the negative were—

| | | |
|---|---|---|
| E. Barry, | M. T. Freeman, | James S. Morris, |
| B. O. Becker, | Taylor P. Gabbard, | Ed. Mulcahy, |
| Peter Best, Jr., | Lloyd W. Gates, | Ion B. Nall, |
| H. Kirby Bourne, | A. J. Gorham, | W. J. Osborne, |
| W. T. Cain, | W. C. Halbert, | C. M. Paynter, |
| M. F. Campbell, | Albert Hamilton, | John R. Ray, |
| Bennett Clarke, | C. W. G. Hannah, | J. T. Royalty, |
| W. D. Claybrooke, | D. C. Hopper, | Emmet P. Slattery, |
| Sam. D. Cochran, | W. J. Jackson, | W. W. Smith, |
| H. K. Cole, | W. H. Jones, | John A. Stevens, |
| W. H. Cole, | Wm. F. Klair, | C. C. Terry, |
| Henry W. Curle, | Geo. D. Litsey, | A. J. Thompson, |
| Lawrence J. Diskin, | H. M. McCarty, | Harry Weitkamp, |
| Thomas Drewry, | Virgil McKnight, | J. Hal Woodford, |
| Robert Enlow, | R. W. Miller, | J. A. Yates—47. |
| J. A. Frazier, | J. M. Mitchell, | |

And so said bill was disagreed to.

The committee to which the same had been referred reported the following bills, viz.:

By Mr. McLean, of the Committee on Municipalities:

S. B. 224. An act providing for the appointment of a minister of the Gospel as chaplain for the jail in cities of the first class.

By same:

S. B. 226. An act to amend sections 21 and 26 of article 6 of an act, entitled An act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894, said sections being 3166 and 3171, respectively, of the Kentucky Statutes, 1903.

By same:

S. B. 130. An act to amend an act, entitled An act to amend an act, entitled An act to incorporate the board of managers of the Louisville House of Refuge, and the amendments thereto, approved May 13, 1886.

By same:

S. B. 158. An act authorizing the formation in cities of less than one hundred thousand and more than forty thousand inhabitants of corporations authorized to do a trust, banking and title insurance business.

By same:

S. B. 59. An act to prevent and punish the unlawful conversion and wrongful taking and use of water from waterworks plants and any unlawful interference with appliances used and confining and distributing the same in the cities of this State.

By same:

S. B. 92. An act to amend and re-enact section 10 of article 8 of an act, entitled An act for the government of cities of the second

class in the Commonwealth of Kentucky, approved March 19, 1894, being section 3183, Kentucky Statutes, 1903.

By same:

S. B. 91. An act to amend and re-enact subsection 2 of section 1 of article 4, of an act, entitled An act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894, said section being subsection 2 of section 3058, Kentucky Statutes, 1903.

By same:

S. B. 285. An act to amend section 20 of article 4 of an act, entitled, An act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894.

S. B. 277. An act to provide for protection from fire of State property and to guard the lives of the inmates of the insane asylum.

By Mr. Shellman, of the Committee on Appropriations:

S. Res. 7. Resolution for the benefit of Dr. Hugh L. Tobin's widow and children.

By same:

S. Res. 5. Resolution for the benefit of the Custodian of Public Buildings.

By same:

S. B. 217. An act providing for the appointment by the Governor of this Commonwealth of three delegates to formulate a law to be presented to the Legislature, concerning the regulation and control of pools, trusts and combinations in restraint of trade, and to invite the co-operation of the Governors of other States of the United States to appoint like commissions; and providing for the assembling and working of such delegates and for the defraying of the expenses incident to carrying out this act.

By same:

S. B. 135. An act appropriating $22,000 for a brick building for a workshop in the State penitentiary at Frankfort, Kentucky.

By same:

S. B. 136. An act appropriating $7,000 for the installation of a dust-collecting and cleaning system in the workshops at the State penitentiary at Frankfort, Kentucky.

By same:

S. B. 137. An act to appropriate money for the erection of a new hospital with suitable tuberculosis wards, operating rooms and other necessary equipments at the State penitentiary at Frankfort, Kentucky, and for the equipment of the present hospital for a chapel.

By same:

S. B. 138. An act to appropriate $5,000 for the erection and equipment of a tuberculosis hospital at the branch penitentiary at Eddyville, Kentucky.

By same:

S. B. 139. An act to appropriate $11,000 for raising the roof and extending the three sections of the broom shop and one section of the chair shop building at the State penitentiary at Frankfort, Kentucky.

By same:

S. B. 29. An act to increase the annual appropriation to the Kentucky Institution for the Education of the Blind from $10,000 to $15,000.

By Mr. Arnett, of the Committee on Circuit Courts:

S. B. 127. An act authorizing the recognizance of witnesses in civil cases.

By same:

S. B. 281. An act to further regulate the time of holding court in the Nineteenth, Twentieth and Thirty-second Judicial Districts.

By Mr. Diskin, of the Committee on County and City Courts:

S. B. 196. An act to amend an act, entitled An act relating to courts of justice, being chapter 221 of Acts of 1893, approved June 10, 1893.

By same:

S. B. 39. An act to amend section 8 of an act, entitled An act creating fiscal courts in the several counties of this Commonwealth, approved October 17, 1892.

By Mr. Mulcahy, of the Committee on Public Monuments and Historical Records:

S. B. 66. An act appropriating $2,000 for the purpose of restoring monument to Daniel Boone in the Frankfort cemetery.

By Mr. Simmons, of the Committee on Judiciary:

S. Res. 20. Resolution for the benefit of McJ. Davis.

By same:

S. B. 27. An act to repeal and re-enact subdivision 1 of article 15 of chapter 46, Kentucky Statutes, entitled "Exempted Personal Property," the sections repealed being sections 1697, 1698, 1699, 1700 and 1701.

By same:

S. B. 134. An act to amend and re-enact sections 919 and 920 of the Kentucky Statutes, chapter 34, article 4, relative to dividing or striking off territory.

By same:

S. B. 18. An act to define and regulate the assessment of stock in corporations incorporated under the laws of Kentucky, and of other States and territories of the United States.

By same:

S. B. 85. An act fixing the liability of and measure of damages for the commission of fraud in the sale of real estate.

By same:

S. B. 207. An act for the benefit of Hazelrigg & Chenault, permitting them to sue the Commonwealth of Kentucky.

By Mr. Stone, of the Committee on Education No. 2:

S. B. 63. An act providing for the extension of the boundaries of graded common school districts.

By same:

S. B. 170. An act to repeal chapter 296 of the Session Acts of 1887 and 1888.

By Mr. J. T. Wilson, of the Committee on Banks and Banking:

S. B. 275. An act authorizing the board of directors of banks and trust companies, carrying on business in this State, to fix the hours of opening and closing for business.

By Mr. George S. Wilson, of the Committee on Corporate Institutions:

S. B. 231. An act to amend section 47 of an act, entitled An act providing for the creation and regulation of private corporations, which became a law April 5, 1893, and which, as heretofore amended, has become and now is section 584 of the edition of the Kentucky Statutes, compiled and edited by John D. Carroll, and issued in the year 1903.

By same:

S. B. 243. An act to amend the act for incorporation of private corporations, being chapter 32 of the Kentucky Statutes.

By same:

S. B. 244. An act, entitled An act to regulate burial associations, corporation and companies doing business in the State of Kentucky.

By Mr. Shellman, of the Committee on Appropriations:

S. Res. 19. Resolution for the benefit of Essex Mosby.

A message was received from the Senate announcing that they had received official information that the Governor had approved and signed a bill which originated in the Senate, entitled

S. B. 144. An act to amend an act, entitled An act for the government of cities of the second class, approved March 19, 1894.

That they had concurred in amendments proposed by the House of Representatives of bills which originated in the Senate of the following titles, viz.:

S. B. 69. An act authorizing the condemnation of lands and material by corporations or companies organized for the purpose of constructing, maintaining or operating union railway stations.

S. B. 113. An act to amend section 822, subdivision 3, of article 5, chapter 32, entitled "Corporations," of the Kentucky Statutes.

And that they had passed said bills as amended.

Mr. Johnson offered the following resolution, viz.:

Resolved by the House of Representatives of Kentucky, That there be allowed to Robert Lyons the sum of $15.00 for services rendered committees in the Court of Appeals room at this session of the Legislature, and that the clerk of the House will certify this resolution to the Auditor of Public Accounts, who upon receipt of same, will draw his warrant upon the Treasurer for the amount of this allowance to the person designated herein.

Said resolution was agreed to.

The House took up for consideration from the orders of the day a bill, entitled

S. B. 140. An act concerning bonds required to be executed by persons acting in fiduciary capacities.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In all cases where a bond or undertaking for the faithful performance or discharge of duty is required by law to be executed by any person appointed as executor, administrator, administrator with the will annexed, assignee for the benefit of creditors, guardian, curator, trustee, committee of an insane or incompetent person, receiver appointed under order of court or as fiduciary in any other capacity, such bond or undertaking shall be conditioned in a definite and certain penal sum, which sum shall be prescribed and fixed by the judge before whom such fiduciary is appointed and qualifies; and for the purpose of fixing the penalty of the bond, the judge may examine, on oath, the person applying and other persons.

§ 2. If at any time the penal sum of such bond does not exceed the value of the estate in the hands of such fiduciary, or does not exceed the estimated value of the estate that may come into his hands under his appointment, then the court, on its own knowledge of the fact, or upon motion of any interested party, shall require the execution of an additional bond, conditioned in such definite penal sum as will exceed the value of such estate; and upon the failure of such fiduciary to execute such additional bond, with good surety, the court shall annul the authority of such fiduciary and appoint another.

§ 3. Any money paid by any person, acting in any fiduciary capacity, for obtaining surety on any bond required by law to be executed by such fiduciary, may be allowed as a charge against the estate, in which such bond is required, in the discretion of the judge before whom such fiduciary is required to make a settlement of his accounts.

Mr. R. W. Miller moved that said bill lie on the table.

Said motion was agreed to.

Mr. Gooch moved that the House do now adjourn until 3:00 o'clock this afternoon.

Said motion was agreed to.

## AFTERNOON SESSION.

At 3:00 p. m., the House met pursuant to adjournment.

A message was received from the Senate announcing that they had concurred in amendments proposed by the House of Representatives to a bill which originated in the Senate, entitled

S. B. 164. An act to amend an act, entitled An act to provide for the establishment and maintenance of a Confederate Home to be a charitable institution of the State of Kentucky, and providing for the care and maintenance of the infirm and dependent Confederate soldiers of the State of Kentucky and to provide, under proper conditions, for admission and care of soldiers who may have wives and for those who may have rendered service to the Confederate cause, approved March 27, 1902, and amended by an act approved March 26, 1904.

That they had passed a bill of the following title, viz.:

S. B. 151. An act to protect trees on public roads and to preserve public roads and the ditches and drains thereof.

Said bill was ordered to be printed and was by the Speaker referred to the Committee on Corporate Institutions.

The committees to which the same had been referred reported bills of the following titles, viz.:

By Mr. Simmons of the Committee on Judiciary:

S. Res. 22. Resolution providing for appointment of a committee to investigate conditions of lawlessness alleged to exist in Breathitt county and report thereon.

By Mr. Stone, of the Committee on Education No. 2:

S. B. 296. An act to amend an act for the benefit of Kuttawa common school district, in Lyon county, which was approved May 1, 1884.

By Mr. Shellman, of the Committee on Appropriations:

S. B. 145. An act to provide for the location, erection, organization and management in Kentucky of a State sanatorium for the cure and treatment of tuberculosis, and making an appropriation for the purchase of the necessary land and the construction and equipment of necessary buildings and making an appropriation for the maintenance of the sanatorium.

By same:

S. B. 247. An act to amend sections 41 and 42 of chapter 4 of the Kentucky Statutes, Carroll's edition.

With an amendment thereto.

By Mr. Wright, of the Committee on Mines and Mining:

S. B. 188. An act to increase the efficiency of the office of Inspector of Mines, and afford greater protection to the lives and health of persons employed in the coal mines of this State and to provide for the inspection of mine scales and miners' oil.

Said resolution and bills were severally read the first time at length and ordered to be placed in the calendar.

By Mr. R. W. Miller, of the Committee on Fish, Game and Forestry:

S. B. 153. An act to amend and re-enact chapter 53, Kentucky Statutes (Carroll's edition), the same including sections 1894 to 1898, being an act, entitled An act to protect the fish in the waters of this State, approved May 16, 1893, and sections 1899 to 1905, being an act, entitled An act for the protection of food fish in certain waters in Kentucky, approved March 19, 1894.

With the expression of opinion that said bill ought not to pass.

The question being taken on ordering said bill to a reading, the opinion of the committee to the contrary notwithstanding, it was decided in the affirmative.

Said bill was read the first time, at length, and ordered to be placed on the calendar.

The House took up for consideration from the orders of the day a bill, entitled

S. B. 193. An act to amend section 4545 of the Kentucky Statutes, dispensing with the presence of the Secretary of State in court to identify certified copies of records from his office.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 4545 of the Kentucky Statutes, Carroll's edition of 1903, be, and the same is hereby, amended by adding to said section the following:

"When such certified copies of records are presented as evidence in any court of this Commonwealth, the same shall be prima facie evidence of their contents, and the personal presence of the Secretary of State as a witness in such cases shall be dispensed with: Provided, That said records shall be mailed under seal to the circuit court clerk where same are to be used, under the same restrictions as are now required by law in forwarding depositions," so that said section when amended shall read as follows:

"He shall have the custody of the books, records, deed, maps and papers belonging to his office, or that may be deposited therein, and shall arrange and preserve the same. Copies of records and papers in his office, certified by him, shall, in all cases, be evidence equally with the originals. When such certified copies of records are presented as evidence in any court of this Commonwealth, the same shall be prima facie evidence of their contents, and the personal presence of the Secretary of State as a witness in such case shall

be dispensed with: Provided, That said records shall be mailed under seal to the circuit court clerk where same are to be used under the same restrictions as are now required by law in forwarding depositions."

§ 2. Whereas, the work of the office of Secretary of State is seriously interfered with by the secretary being called by process as a witness to various circuit courts of the State under the present law, an emergency is hereby declared to exist and this act shall take effect from and after its passage and approval by the Governor.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | Taylor P. Gabbard, | Ed. Mulcahy, |
| Louis W. Arnett, | W. J. Gooch, | Henry G. Overstreet, |
| John Barr, | A. J. Gorham, | C. M. Paynter, |
| E. Barry, | H. H. Griffin, | John R. Ray, |
| W. G. Baxter, | John C. Griffith, | M. M. Redwine, |
| Joe F. Bosworth, | B. P. Grigsby, Sr., | J. M. Robertson, |
| H. Kirby Bourne, | Albert Hamilton, | J. T. Royalty, |
| J. C. Byland, | J. A. Hamon, | S. M. Russell. |
| M. F. Campbell, | L. P. Head, | Ed. H. Shellman, |
| Bennett Clarke, | W. J. Jackson, | R. C. Simmons, |
| J. W. Clay, | L. F. Johnson, | T. J. Slaton, |
| W. D. Claybrooke, | Wm. F. Klair, | W. H. Southall, |
| H. K. Cole, | Geo. D. Litsey, | John A. Stevens, |
| Ed. Croan, | H. M. McCarty, | C. C. Terry, |
| Charles I. Dawson, | M. H. McLean, | Harry Weitkamp, |
| Lawrence J. Diskin, | R. W. Miller, | T. A. Weldon, |
| Thomas Drewry, | Chris Mueller, | Munnell Wilson, |

Robert Enlow, J. M. Mitchell, J. Hal Woodford,
J. A. Frazier, James S. Morris, W. T. Wright—58.
M. T. Freeman,

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

The House took up for consideration, from the orders of the day, a bill, entitled

S. B. 31. An act to authorize and empower railroad companies to designate persons to act as railroad police, providing for their appointment by the Governor, and defining their duties, powers and liabilities.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That every corporation owning, using or operating a railroad in this State may apply to the Governor to appoint and commission such persons as said corporation may designate to act as such policemen for such corporation.

§ 2. The Governor, upon such application being made, shall appoint such persons as such corporation may designate, or as many thereof as he may deem proper to be such policemen, and shall issue to such as he shall appoint a commission to act as such policemen.

§ 3. Every person so appointed to act as such policemen shall, before he enters upon the discharge of the duties of his office, execute bond with good security, conditioned for the faithful performance of his duty as such policeman, and take and subscribe an oath of office and the oath required by the Constitution of this State. Said bond shall be executed in the county court of the county in which such person resides, and shall be approved by the judge thereof, who shall administer the oath of office herein required, all of which shall be duly entered of record by the clerk of said court. The execution of said bond and the taking of the oath of office as

aforesaid shall be endorsed upon the commission of the person so qualifying, and certified copies of said commission, together with the endorsement thereon, shall be recorded in the office of the county clerk of each and every county throughout or into which the railroad, for which such policeman is appointed, runs, or for which it is intended he shall act. The several policemen so appointed and commissioned shall, in and throughout the counties in which they are authorized to act, severally possess and exercise the power of sheriffs and constables in making arrests, and the service of process in criminal and penal prosecutions, and shall be subject to all the liabilities of such sheriffs or constables while in the discharge of their duties as such policemen and for which their security shall be responsible upon their bond: Provided, however, That the powers herein conferred upon said railroad policemen shall only be exercised by them in the arrest and prosecution of persons committing public offense upon the trains or about the depots.

§ 4. Such railroad police shall, while on duty, wear a metallic badge or shield, with the words "Railway Police" and the name of the corporation or railroad, or the initials of the corporation or the railroad for which appointed, engraved thereon; except when acting as a detective in the service of such corporation or railroad in the discharge of his duty for such corporation or railroad, when he can wear it concealed.

§ 5. The compensation of such policemen shall be paid by the corporation or railroad company for which they are respectively appointed, and as may be agreed between them and such company or corporation.

§ 6. When any such railroad company shall be owned, used or operated by a receiver, company, or person other than a corporation, such receiver, company or person may have such policeman appointed in the same manner hereinbefore provided as to corporations.

§ 7. When a railroad company no longer requires the service of a policeman so appointed, it may file notice to that effect, signed

by its general manager, in the several offices in which the commission of such policeman is recorded, which shall be noted by the clerk upon the margin of the record where the commission is recorded, and thereupon the power of such policeman shall cease as to any particular county in which such notice is filed and recorded.

§ 8. When the railroad is owned, used or operated by a receiver, company or persons as hereinbefore provided, a like notice may be filed over the signature of such receiver, company or persons and shall have the same force and effect.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | Taylor P. Gabbard, | Henry G. Overstreet, |
| Louis W. Arnett, | Lloyd W. Gates, | C. M. Paynter, |
| John Barr, | W. J. Gooch, | John R. Ray, |
| W. G. Baxter, | John C. Griffith, | M. M. Redwine, |
| B. O. Becker, | B. P. Grigsby, Sr., | J. M. Robertson, |
| Peter Best, Jr., | Albert Hamilton, | J. T. Royalty, |
| Joe F. Bosworth, | J. A. Hamon, | S. M. Russell, |
| J. C. Byland, | C. W. G. Hannah, | J. T. Scott, |
| W. T. Cain, | L. P. Head, | Ed. H. Shellman, |
| M. F. Campbell, | D. C. Hopper, | T. J. Slaton, |
| Bennett Clarke, | L. F. Johnson, | John A. Stevens, |
| J. W. Clay, | W. H. Jones, | George W. Stone, |
| W. D. Claybrooke, | Wm. F. Klair, | C. C. Terry, |
| Sam. D. Cochran, | Geo. D. Litsey, | A. J. Thompson, |
| W. H. Cole, | H. M. McCarty, | C. F. Thornton, |
| Ed. Croan, | R. W. Miller, | T. A. Weldon, |
| Thomas Drewry, | Chris Mueller, | John B. Wicker, |

W. Reed Embry, J. M. Mitchell, Munnell Wilson,
Robert Enlow, James S. Morris, J. Hal Woodford,
J. A. Frazier, Ion B. Nall, W. T. Wright—61.
M. T. Freeman,

Those who voted in the negative were—

H. Kirby Bourne, L. J. Diskin—2.

Resolved, That the title of said bill be as aforesaid.

Mr. Arnett moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

S. B. 19. An act to amend and re-enact section 4426 of the Kentucky Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 4426 of the Kentucky Statutes be amended and re-enacted, so that the same shall read as follows:

"Any county superintendent or county examiner who shall knowingly grant to any immoral person, or to any person under the prescribed age, a certificate to teach in the common schools, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty nor more than one hundred dollars for each offense.

"Any county superintendent, county examiner, printer, officer of State or county, or any other person, who shall sell, barter, give or furnish, or procure to be sold, bartered, given or furnished, to any applicant for a certificate to teach in the public schools, or to any other person, any question or questions prepared or sent out by the State Board of Examiners for the examination of persons applying for such certificate, or in any way dispose of such question

or questions, except in the manner provided by law, shall be guilty of a felony, and shall, upon conviction, be punished by confinement in the State penitentiary not less than one year nor more than two years. The county board of examiners shall charge each applicant a fee of one dollar for each examination made, the proceeds of which shall be divided between the two members of the board appointed by, and acting with, the county superintendents, in proportion to the services rendered by them."

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | H. H. Griffin, | M. M. Redwine, |
| John Barr, | John C. Griffith, | J. M. Robertson, |
| W. G. Baxter, | B. P. Grigsby, Sr., | J. T. Royalty, |
| B. O. Becker, | Paul Gullion, | S. M. Russell, |
| J. C. Byland, | Albert Hamilton, | Ed. H. Shellman, |
| W. T. Cain, | C. W. G. Hannah, | R. C. Simmons, |
| M. F. Campbell, | L. P. Head, | T. J. Slaton, |
| Bennett Clarke, | D. C. Hopper, | W. H. Southall, |
| J. W. Clay, | L. F. Johnson, | John A. Stevens, |
| W. D. Claybrooke, | W. H. Jones, | George W. Stone, |
| Sam. D. Cochran, | Geo. D. Litsey, | C. C. Terry, |
| W. H. Cole, | M. H. McLean, | C. F. Thornton, |
| Ed. Croan, | R. W. Miller, | Harry Weitkamp, |
| Lawrence J. Diskin, | Chris Mueller, | T. A. Weldon, |
| Thomas Drewry, | James S. Morris, | John B. Wicker, |
| J. A. Frazier, | Ion B. Nall, | J. T. Wilson, |
| M. T. Freeman, | W. J. Osborne, | Munnell Wilson, |
| Taylor P. Gabbard, | Henry G. Overstreet, | J. Hal Woodford, |
| Lloyd W. Gates, | C. M. Paynter, | W. T. Wright, |
| W. J. Gooch, | John R. Ray, | J. A. Yates—60. |

Those who voted in the negative were—

H. Kirby Bourne, W. J. Jackson, A. J. Thompson—3.

Resolved, That the title of said bill be as aforesaid.

The House took up for consideration, from the orders of the day, a resolution, entitled

S. Res. 6. Resolution authorizing the auditing and payment of a loan made to the State by the State National Bank, of Frankfort, Kentucky.

Said resolution is as follows, viz.:

Whereas, on the 1st day of September, 1898, there were no funds in the Treasury of this Commonwealth that could be used by the Governor of the Commonwealth for bringing back from Chickamauga and from Fortress Monroe to Kentucky the soldiers of this State who were then sick at those two places; and,

Whereas, Hon. Wm. O. Bradley, then Governor of Kentucky, borrowed from the State National Bank the sum of $3,000 for the purpose of bringing back to this State the sick soldiers and for the purpose of providing for them until they could be returned to their homes; and,

Whereas, there was no statute authorizing such an expenditure by the Governor of this State for such a purpose; and,

Whereas, the loan made to Wm. O. Bradley for the purpose above set out is evidenced by a note which reads as follows:

"1st of September, 1898. This certifies that at my request, as Governor of Kentucky, the State National Bank, at Frankfort, Kentucky, has this day loaned the State of Kentucky $3,000 at 6 per cent. interest from this day until paid, for the purpose of enabling the Governor to bring back to the State the sick soldiers from Kentucky and provide for them until they may be returned to their homes.

(Signed) "WM. O. BRADLEY,
"As Governor of Ky.
"CHAS. E. HOGE,
"Surety."

And, whereas, the full sum of $3,000 was not used by the Hon. Wm. O. Bradley for the purpose above set out, but the unused portion of said $3,000 was credited on the note given by Wm. O. Bradley; and,

Whereas, there remains a balance of $1,195.55 and interest still unpaid; and,

Whereas, all of the facts relative to said note are fully set out in the official communication of Wm. O. Bradley to the General Assembly of Kentucky of date Feb. 8th, 1899, which is hereto attached; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Governor of this Commonwealth is authorized to examine into the loan of $3,000 to the State of Kentucky of the date of September 1st, 1898, evidenced by a note, a copy of which is set out in the preamble, and he is authorized to ascertain the unpaid balance of said note; and he is further authorized to draw his warrant upon the Auditor of Public Accounts for such amount as he finds due upon this note, and the Auditor of Public Accounts shall draw a warrant upon the Treasurer of this Commonwealth for such amount as the Governor finds due the State National Bank upon this loan.

Ordered that said resolution be read the third time.

The provision of the Constitution as to the third reading of said resolution at length being dispensed with, said resolution was read the third time by its title and concurred in.

The yeas and nays being taken on concurring in said resolution, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | John C. Griffith, | John R. Ray, |
| John Barr, | B. P. Grigsby, Sr., | M. M. Redwine, |
| W. G. Baxter, | Paul Gullion, | J. M. Robertson, |

B. O. Becker, Albert Hamilton, J. T. Royalty,
Peter Best, Jr., C. W. G. Hannah, S. M. Russell,
W. T. Cain, L. P. Head, J. T. Scott,
M. F. Campbell, D. C. Hopper, Ed. H. Shellman,
Bennett Clarke, L. F. Johnson, R. C. Simmons,
W. H. Cole, W. H. Jones, T. J. Slaton,
Charles I. Dawson, Wm. F. Klair, W. H. Southall,
Lawrence J. Diskin, Geo. D. Litsey, John A. Stevens,
Thomas Drewry, M. H. McLean, George W. Stone.
Robert Enlow, R. W. Miller, C. F. Thornton,
J. A. Frazier, J. M. Mitchell, Harry Weitkamp.
M. T. Freeman, James S. Morris. T. A. Weldon,
Taylor P. Gabbard, Ion B. Nall, W. T. White,
Lloyd W. Gates, W. J. Osborne, Munnell Wilson.
W. J. Gooch, Henry G. Overstreet, W. T. Wright—55.
H. H. Griffin,

In the negative—A. J. Thompson.

Resolved, That the title of said resolution be as aforesaid.

Mr. Arnett moved that the vote by which said resolution was concurred in be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

S. B. 11. An act to further regulate elections and registrations in cities and towns of the Commonwealth.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Wherever there may exist in this Commonwealth one or more incorporated cities or towns within a voting precinct, and the regular voting place is outside of said city or town, then it shall be the duty of the officers holding the registration for such incorporated city or town to hold same within said city or town.

§ 2. All laws or parts of laws in conflict with this act are, to the extent of such conflict, hereby repealed.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

J. M. Alverson,
Louis W. Arnett,
John Barr,
W. G. Baxter,
B. O. Becker,
H. Kirby Bourne,
J. C. Byland,
M. F. Campbell,
Bennett Clarke,
H. K. Cole,
Henry M. Cox,
Ed. Croan,
Lawrence J. Diskin,
Thomas Drewry,
Robert Enlow,
J. A. Frazier,
M. T. Freeman,
Taylor P. Gabbard,
Lloyd W. Gates,
W. J. Gooch,
H. H. Griffin,
John C. Griffith,
B. P. Grigsby, Sr.,
C. W. G. Hannah,
L. P. Head,
L. F. Johnson,
W. H. Jones,
Wm. F. Klair,
Geo. D. Litsey,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
Chris Mueller,
J. M. Mitchell,
James S. Morris,
W. J. Osborne,
John R. Ray,
M. M. Redwine,
J. M. Robertson,
J. T. Royalty,
S. M. Russell,
Ed. H. Shellman,
R. C. Simmons,
T. J. Slaton,
W. H. Southall,
John A. Stevens,
George W. Stone,
C. C. Terry,
C. F. Thornton,
T. A. Weldon,
Munnell Wilson,
W. T. Wright,
J. A. Yates—52.

Those who voted in the negative were—

Charles I. Dawson, C. M. Paynter—2.

Resolved, That the title of said bill be as aforesaid.

Mr. Arnett moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a joint resolution, entitled

S. Res. 14. Resolution for the benefit of John Dean.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of $2 per day be, and is hereby, appropriated and allowed John Dean for services in carrying record books for the clerks of the Senate and House of Representatives to and from the offices of said clerks during the present session.

§ 2. Whereas, said Dean needs the wages due him for his labor, as it is earned for his support, an emergency exists, and this resolution shall take effect upon its adoption.

Ordered that said resolution be read the third time.

The provision of the Constitution as to the third reading of said resolution at length being dispensed with, said resolution was read the third time by its title and concurred in.

The yeas and nays being taken on concurring in said resolution, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | John C. Griffith, | M. M. Redwine, |
| Louis W. Arnett, | B. P. Grigsby, Sr., | J. M. Robertson, |
| John Barr, | Paul Gullion, | J. T. Royalty, |
| W. G. Baxter, | C. W. G. Hannah, | S. M. Russell, |
| B. O. Becker, | L. P. Head, | Ed. H. Shellman, |
| Peter Best, Jr., | D. C. Hopper, | R. C. Simmons, |
| Joe F. Bosworth, | W. J. Jackson, | T. J. Slaton, |
| J. C. Byland, | L. F. Johnson, | W. H. Southall, |
| M. F. Campbell, | W. H. Jones, | Zeb. A. Stewart, |
| Bennett Clarke, | Wm. F. Klair, | George W. Stone, |

| | | |
|---|---|---|
| W. D. Claybrooke, | Geo. D. Litsey, | C. C. Terry, |
| Lawrence J. Diskin, | Virgil McKnight, | A. J. Thompson, |
| Thomas Drewry, | M. H. McLean, | C. F. Thornton, |
| J. A. Frazier, | R. W. Miller, | T. A. Weldon, |
| Taylor P. Gabbard, | Chris Mueller, | John R. Wicker, |
| Lloyd W. Gates, | J. M. Mitchell, | Munnell Wilson, |
| W. J. Gooch, | James S. Morris, | W. T. Wright, |
| H. H. Griffin, | Ed. Mulcahy, | J. A. Yates—54. |

Those who voted in the negative were—

H. Kirby Bourne, Albert Hamilton, John A. Stevens—4.
H. K. Cole,

Resolved, That the title of said resolution be as aforesaid.

The House took up for consideration, from the orders of the day, a bill, entitled

S. B. 81. An act to amend an act to regulate the sale of intoxicating liquors by wholesale in this Commonwealth, which was approved March 22, 1904.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1 of "An act to regulate the sale of intoxicating liquors by wholesale in this Commonwealth," which was approved March 22, 1904, be amended by adding after the word "make," in the fourth line of said bill as printed in the Acts of 1904, the words "at the place of manufacture," so that said act when amended shall read as follows:

"Sec. 1. It shall be unlawful to sell by wholesale any spirituous, vinous, malt or other intoxicating liquors, regardless of the name by which it is called (except manufacturers selling liquors of their own make at the place of manufacture) in any county, district, precinct, town or city, where the sale of such liquor has been prohibited by special act of the General Assembly or by vote

of the people under the local option act. Any person violating this act shall be deemed guilty of violating the local option law, and shall be subject to trial and punishment according to the provisions of the same and its amendments."

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | John C. Griffith, | M. M. Redwine, |
| John Barr, | Paul Gullion, | J. T. Royalty, |
| B. O. Becker, | W. C. Halbert, | J. T. Scott, |
| H. Kirby Bourne, | C. W. G. Hannah, | Ed. H. Shellman, |
| J. C. Byland, | L. P. Head, | R. C. Simmons, |
| W. T. Cain, | D. C. Hopper, | John A. Stevens, |
| M. F. Campbell, | W. J. Jackson, | George W. Stone, |
| Bennett Clarke, | L. F. Johnson, | C. C. Terry, |
| H. K. Cole, | W. H. Jones, | A. J. Thompson, |
| Charles I. Dawson, | Geo. D. Litsey, | C. F. Thornton, |
| Lawrence J. Diskin, | M. H. McLean, | Harry Weitkamp, |
| Robert Enlow, | R. W. Miller, | T. A. Weldon, |
| J. A. Frazier, | J. M. Mitchell, | John B. Wicker, |
| M. T. Freeman, | James S. Morris, | J. T. Wilson, |
| Taylor P. Gabbard, | Ion B. Nall, | Munnell Wilson, |
| W. J. Gooch, | C. M. Paynter, | J. A. Yates—50. |
| H. H. Griffin, | John R. Ray, | |

Those who voted in the negative were—

W. G. Baxter, William F. Klair—2.

Resolved, That the title of said bill be as aforesaid.

Mr. Gooch moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

And then the House adjourned until 10:30 o'clock Monday morning, March 12, 1906.

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## MONDAY, MARCH 12, 1906.

The House opened with prayer, by the Rev. J. T. Watts, of the Baptist church, of the city of Louisville, Ky.

The reading of the Journal of Saturday's proceedings was dispensed with, and the same was approved.

Mr. Head offered the following resolution, viz.:

Whereas, it is the custom in Ohio and other States for the Legislature to show its appreciation of the work of the newspaper men in attendance upon it in substantial fashion, and

Whereas, the Senate has proven its regard for the reporter who has regularly attended its sessions, and

Whereas, the members of the House feel themselves indebted to the five members of the press who have faithfully, diligently and impartially reported the proceedings of the House throughout the entire session, and have greatly facilitated the work of the House by the accuracy with which they have from day to day chronicled its proceedings, now therefore, be it

Resolved, That the Auditor of Public Accounts be directed to draw his warrant upon the treasurer for $250, upon copy of this resolution properly endorsed by the chief clerk of the House which amount shall be a contingent expense of this House, and it shall be equally divided among the five reporters who have been in attendance throughout on the sessions of this House.

Said resolution was disagreed to.

The yeas and nays being required thereon by Messrs. Thompson and Wright, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | A. J. Gorham, | Ion B. Nall, |
| Louis W. Arnett, | B. P. Grigsby, Sr., | M. M. Redwine, |
| John Barr, | Paul Gullion, | J. M. Robertson, |
| W. G. Baxter, | James A. Hagan, | S. M. Russell, |
| B. O. Becker, | L. P. Head, | J. T. Scott, |
| Joe F. Bosworth, | Wm. F. Klair, | T. J. Slaton, |
| J. C. Byland, | H. M. McCarty, | Emmet P. Slattery, |
| Bennett Clarke, | Virgil McKnight, | W. W. Smith, |
| A. L. Denny, | M. H. McLean, | W. H. Southall, |
| Thomas Drewry, | R. W. Miller, | John A. Stevens, |
| W. Reed Embry, | Chris Mueller, | C. F. Thornton, |
| Lloyd W. Gates, | Ed. Mulcahy, | T. A. Weldon—36. |

Those who voted in the negative were—

| | | |
|---|---|---|
| Charles C. Beard, | W. C. Halbert, | R. C. Simmons, |
| H. Kirby Bourne, | Albert Hamilton, | Hub L. Stevens, |
| W. T. Cain, | D. C. Hopper, | Zeb. A. Stewart, |
| [illegible]bell, | W. J. Jackson, | George W. Stone, |
| N. B. Chipman, | L. F. Johnson, | A. J. Thompson, |
| J. W. Clay, | W. H. Jones, | W. T. White, |
| W. D. Claybrooke, | Geo. D. Litsey, | John B. Wicker, |
| Sam. D. Cochran, | J. M. Mitchell, | Geo. S. Wilson, |
| W. H. Cole, | V. W. Morris, | J. T. Wilson, |
| Charles I. Dawson, | W. J. Osborne, | Munnell Wilson, |
| J. A. Frazier, | Henry G. Overstreet, | J. Hal Woodford, |
| Taylor P. Gabbard, | C. M. Paynter, | W. T. Wright, |
| W. J. Gooch, | John R. Ray, | James C. Yaden, |
| John C. Griffith, | Ed. H. Shellman, | J. A. Yates—42. |

Mr. Terry, of the committee on State prisons and houses of reform offered the following joint report of the committee of the Senate on penitentiaries and houses of reform and the committee of the House on State prisons and houses of reform, viz.:

To the Senate and House of Representatives of the General Assembly of the Commonwealth of Kentucky:

The joint committee representing the Senate and House of Representatives, appointed for the purpose of visiting and inspecting the penitentiaries, located at Frankfort and Eddyville, and the school of reform, at Lexington, Kentucky, submit the following joint report, viz.:

We visited the prison at Eddyville on the 27th day of January, 1906, and with careful inspection went through the various cell houses, workshops, kitchen, bakery, power plant, hospital and chapel; and viewed the outer wall, buildings and grounds in a general way.

We found the prison to be in most excellent condition, grounds, cell houses and all rooms, offices and cells, bore evidences of good management, as to sanitary conditions, as cleanliness seemed to prevail in all the various departments, thereto belonging.

The inmates are all males; and the number of inmates as reported to the joint committee, amounted to 669.

All able bodied men, not necessarily employed on State work, such as wagoning, cooking, grading grounds and other necessary services for the benefit of the State, in keeping said prison in good sanitary condition are employed under contracts in the manufacture of harness, shoes, brooms, saddletrees, and in the foundry, making grates and various cooking utensils.

The total number at work assigned under contract, from the last report of the prison commissioners, is now about 422, leaving about 247 used on State work, infirm and crippled.

We found the automatic sprinkling system to be a success, and a safeguard against fire, and a great factor in the reduction of fire insurance and protection to the State's property.

We found the new cell house completed, and report the same to be a structure of fine architecture, for convenience, safekeeping and comfort of the inmates in said prison.

The prison hospital accommodations at Eddyville are inadequate

for the care and treatment of the numerous and varied diseases in said prison, there being only two small rooms, one for whites and one for blacks, with capacity only for about six cots to each room, and no separate ward or hospital for consumptives or other contagious maladies. We therefore recommend for humane reasons the appropriation of $5,000 to build an addition to the hospital and provide suitable and separate wards for the consumptives, and other contagious diseases, and for the detention and safekeeping of the insane.

We visited Frankfort penitentiary, January 31, 1906. We found the prison in fairly good condition. The evidences of management reflected good judgment and careful oversight of the officers in charge as to comfort and sanitary conditions of all inmates. All men physically and mentally able to perform manual labor not engaged on State work were assigned and at work under contract. Males at work under contract were 1,050. Women at work under contract were 40. The whole number of males in prison according to report of officials in charge are 1,237. The number of females in prison are 40. The males are all working under contract, making chairs, shoes and garments. The women working under contract are engaged in the manufacture of garments for the Union Garment Company, said industry has proven very satisfactory, and promises to yield to the State a very good source of revenue.

The present hospital for males is composed of one large room, used by both white and black. It is situated immediately above the dining room, kitchen and bake oven, and the odors, fumes and heat from the bake oven and kitchen, renders the room used as a hospital unfit for the purposes of caring properly for the sick, and treatment of the afflicted. There are no separate wards for white and blacks, or for consumptives or other contagious diseases! and for the sake of humanity, we recommend an appropriation of $..... for the construction of a suitable building with separate hospitals for white and blacks and consumptives, and those afflicted with contagious diseases. For dust collecting and blower system to clean the workshops of all disagreeable effects of dirt, sand, dust and other flyings,

so detrimental to health of all inmates and employes, we recommend an appropriation of $7,000 therefor, and the further sum of $22,000 for other necessary improvements of said prison.

We visited the house of reform, February 17, 1906, and went through and inspected all the shops and sleeping apartments of the institution. In the chair factory we found all the work was being done by the colored boys. In the harness, shoe and broom factories are managed for and operated by the white boys, all of which are located in the manual training building. The dormitories for the white boys presented the appearance of being well kept, and all sanitary conditions good. The culinary departments in excellent condition, kitchen, pantry and all utensils clean, in fact, every department connected with housekeeping showed systematic management for the comfort and health of the inmates.

We found from the report of the superintendents of this institution, that the total number of inmates to be 283, consisting of 142 white boys, 43 white girls, 85 colored boys and 13 colored girls. We found the sleeping apartments inadequate for the number of white boys, and there is no provision made for the sick in this department, and deeming it very essential to the comfort of the sick and a protection against contagious diseases, recommended an appropriation of five thousand ($5,000) dollars be made for the erection of a suitable hospital for said institution, and five thousand ($5,000) dollars be appropriated for all necessary repairs and buildings belonging to and controlled by said institution.

All of which your joint committee very respectfully submit to this Honorable body.

Senate Committee.
BRENT SPENCE, Chairman,
M. L. HARBESON,
R. W. OWEN,
R. R. GRADY,
M. G. WATSON,
S. E. DeHAVEN,
HENRY GEORGE,
G. W. SHADOAN.

House Committee.
C. C. TERRY, Chairman,
L. F. JOHNSON,
J. M. ROBERTSON,
PAUL GULLION,
ROGER P. BLAIR,
S. M. RUSSELL,
J. B. WICKER,
MUNNELL WILSON,
W. H. JONES.

Said report was received and ordered filed and spread on the Journal.

Mr. Redwine of the special committee appointed under and by virtue of resolutions heretofore adopted by this House, and which were offered by Mr. Barry.

(For resolutions see House Journals of February 1st and 13th.)

Offered the following report of a majority of said committee, viz.:

To the Speaker and House of Representatives of Kentucky:

Your committee appointed by virtue of a resolution offered by Representative Barry, to investigate the different departments of the State Government with a view to curtailing the expenses of the State Government, if it could be done, and to make such other investigations as we thought proper and to which our attentions was directed, beg leave to submit for your consideration the following report:

First. Our attention was directed to the school of reform for boys. There seemed to be a rumor or a semi-charge of mismanagement and misappropriation of funds. We investigated this rumor to the satisfaction of every member of the committee and found the rumor or charge to be without the slightest foundation. We were unable to find anything whatever regarding the management of the institution which could be in any way criticized.

Second. We looked into the Adjutant General's department with a view to ascertaining the truth or falsity of certain newspaper articles relative to alleged high prices paid for supplies for the use of troops during the recent encampment, at Paducah, Ky. The committee was thoroughly satisfied with the contracts made by the officers, and the prices paid for supplies, which were not only reasonable, but low.

Third. Our investigation of the Secretary of State's office showed that the work in his department was constantly increasing, and the work was being done with as little force as possible, and at reasonable salaries. It was shown before the committee that Ed. O. Leigh, the Governor's private secretary, has been receiving a salary of $50 per month, since January, 1905, for work he did in the office, and that he was more than earning this extra remuneration at nights and other odd times.

Fourth. We were requested to investigate the auditor's department, and found that salaries paid his clerks were reasonable, and it was about all they could do to keep the work up in the office. In fact it was shown to the committee that in case the revenue and taxation bill passed it was going to make it necessary to have more help in said office.

It was further brought out before the committee that one J. R. Thomas had been appointed by Auditor Hager, as chief clerk of the land title department. After his appointment, Auditor Hager asked him if he did not think he ought to contribute something toward defraying expenses of the primary. Thomas said he certainly did, and voluntarily contributed $250.00. Thomas said he thought it his duty to contribute to this expense; that it was done voluntarily by him, and after he had received his appointment and after he was qualified that it had always been his custom to contribute to campaign expenses.

Fifth. Our attention was next directed to the insurance department. We found that department managed as in our opinion it shold be managed. That othere was no more help in that department than was necessary, and that salaries were reasonable and just.

It was shown to us that one Roy Salmon, of Hopkins county, Ky., had been appointed by Auditor Hager, as chief clerk in that department. Salmon only held his office for a short time. He approached Auditor Hager and told him he would like to resign, in case the auditor would allow him to name his successor. The auditor assured him that the office was his to fill himself, or by any one he would name, provided he was competent and suited the place all right. A few days later, one Phil. Thompson, of Benton, was in Frankfort for the purpose of securing a place in the auditor's office. Thompson approached Auditor Hager about the matter. The auditor told him he had no vacancies at that time, and was therefore unable to make him any promise. While Thompson was in the city, Salmon saw him and asked him how he would like to have his place at $100.00 per month. An agreement was soon made between Thompson and Salmon, whereby Salmon was to recommend him for the place, which was to be made vacant by his resignation, and Thompson was to draw the $150.00 per month and send to Salmon $50.00 thereof, and retain the balance. This was done for several months. Salmon died. Soon after his death, the auditor received a letter from Salmon, written before his death, in which he requested the auditor, that in case anything should happen to him, Salmon, that he, the auditor, request Thompson to carry out their contract with his, Salmon's, widow. This request was complied with by the auditor, and Thompson continued for several months to send $50.00 per month to Salmon's widow. Thompson finally resigned, saying that he could make nothing out of the office.

After his resignation, the auditor notified the widow and friends of Roy Salmon, that if they would name a good and capable man to fill the vacancy they could do so. One C. G. Franklin was recommended and appointed and was found to be a competent and efficient man. We had Franklin before the committee. The question was asked him by Representative Barry how much salary he received. He said $150.00 per month. He was then asked if he kept all of the salary. Franklin declined to answer, saying that he worked hard for his money and earned every cent of it,

and how he spent it was his own personal affair. He was then asked by Mr. Barry, if it was not a fact that he sent Roy Salmon's widow $50.00 per month out his salary. He again declined to answer, but after the entire committee requesting him to answer, he said, I do. He further said that he told Mrs. Salmon before he left Madisonville that he would send her $50.00 per month; that it was a voluntary gift on his part; that he could stop sending it at any time he desired; that there was nothing compulsory about it; and that none of the State officers knew anything about it so far as he knew.

It was shown to us by undenied statements that the auditor knew nothing about either the agreement made between Salmon and Thompson, or that Franklin was sending $50.00 per month to the widow of the man who formerly held the position.

In conclusion, we will say that we investigated not only all charges which were brought before us, but all rumors as well, and were unable to find any ground whatever upon which either charge or rumor could stand.

Respectfully submitted,
M. M. REDWINE, Chairman,
L. F. JOHNSON,
G. W. WILSON,
W. J. GOOCH,
H. L. STEVENS,
J. M. MITCHELL.
L. W. ARNETT.

Mr. Barry, of said special committee filed the following report of the minority of said committee, viz.:

To Mr. Speaker Lawrence and the House of Representatives:

As a member of the special committee, appointed by the Speaker, under a resolution adopted February 1, 1906, I beg leave to make the following report to this honorable body:

The said resolution directed your committee to make special inquiry as to whether there are a greater number of employes in any

department of any of the State offices, or other public institutions of the State, than are necessary to carry on the work of that department, and whether or not excessive salaries are paid for the services of any employes, and also to make inquiry into any matter that might be brought to the attention of the committee, that might be deemed irregular.

Charges were brought before your committee by one O. G. Emerson, alleging that the house of reform, at or near Lexington, was not properly conducted. Your committee called Mr. Emerson to testify in regard to the matter, and also heard a statement from Mr. Doak, the superintendent of the institution. After hearing the statements of these parties, it was unanimously decided by the committee that there were no grounds to sustain the charges and nothing to warrant this committee in making any investigations of the said institution.

Your committee would further report, that one matter, reported to be irregular, in the insurance department, under Commissioner H. R. Prewitt, was brought to the attention of the committee, and we had Mr. Prewitt to report all the facts of the matter to your committee, which was perfectly satisfactory, and showed the transaction to be legal and regular.

Also the matter of purchasing supplies by the Adjutant General's department, for the recent encampment of the State troops, at Paducah, was brought to the attention of the committee, and that department was requested to exhibit the vouchers from the parties, who furnished the supplies for said encampment. This request was complied with, and said vouchers showed that the prices paid were reasonable and satisfactory to this committee.

As to the charge made on the floor of this House, "that in one of the State departments one employe had been paid a salary of $150.00 per month and that $50.00 per month of that salary was paid to another party, who rendered no service to the State, but was paid this money to satisfy an anti-election obligation," I have decided to simply present to this honorable body the evidence given before your committee, and not offer any comment or give any opinion of my own as to what is proven thereby, but leave the members of

this body to place their own construction and form their own opinions of the whole matter.

## STATEMENT OF E. BARRY TO THE COMMITTEE, FEBRUARY 22, 1906.

During the campaign of 1903, for the Democratic nomination for State offices, P. H. Thompson, of Boston, Marshall county, told me and other of his personal friends, that he was very much interested in the election of Mr. Hager, as auditor, that in the event of his (Hager's) election, that it meant a position for him (Thompson.) Mr. Thompson at the time held the position as circuit court clerk of Marshall county, but his term of office expired at the end of that year. Many of Mr. Thompson's friends, by reason of that statement went to work, and the consequences were that our county gave Judge Hager a large majority. I will now state the substance of what Mr. Thompson told me in an interview I had with him the first week in February, when I was at home on a visit. Previous to that time, I had information that I deemed perfectly reliable, in regard to the matter, but had never talked with Mr. Thompson about it, and when I approached him about the matter and told him what I knew of it, he then made the following statement to me:

"In January, 1904, after having some correspondence with Auditor Hager, in regard to an appointment in his office, he met a friend in Louisville, who came on to Frankfort with him; that friend saw the auditor first in Mr. Thompson's interest. Afterward he met the auditor and he (Auditor Hager) asked him (Thompson) how a job at $100 per month would suit him; to which Thompson replied, that he would accept it if that was the best he could get. Auditor Hager then said, "he thought the matter could be arranged all right." Soon after this interview with the auditor, Mr. Thompson was told that a man by the name of Roy Salmon wanted to see him on business; he (Thompson) did not, at that time know Mr. Salmon, but he was described to him, so that he would know him when he saw him. Soon after this, he met a gentleman, who filled the description given

him of Mr. Salmon, and who introduced himself as Roy Salmon, of Madisonville, Ky. After the introduction was over, Mr. Salmon said to Mr. Thompson, the place promised you by the auditor is chief clerk in the insurance department, and I hold that place, and the salary is $150.00 per month, but if you will accept the position at $100.00 per month, receipt each month for the full amount of the salary, retain $100.00 for your services and send me a check for $50.00 each month, I will resign and go back to Madisonville, and you can take the place. Mr. Thompson accepted this proposition, Mr. Salmon returned to Madisonville, and Thompson moved his family to Frankfort and entered the auditor's office as chief clerk in the insurance department under Mr. Prewitt. This all took place in the month of January, 1904. At the end of the first month, and for nine consecutive months Thompson drew the regular salary of $150 per month, retained $100 for his services and mailed Mr. Salmon, at Madisonville a check for $50. This brought the time up to November, 1904, when Roy Salmon died, then Mr. Thompson thought his contract closed, and at the of that month, when he drew his salary he retained the whole amount of $150. Soon after, however, he was instructed by those in authority, that he must send the check of $50 as per contract, to the widow of Roy Salmon; and beginning with December, 1904, and continuing for seven consecutive months, he did send a check for $50 to Mrs. Roy Salmon, at Madisonville, Ky. This brought the time up to July 1, 1905. After this time he did not send any more checks to Mrs. Salmon, but continued to draw and receipt for the regular salary of $150 per month, all of which he retained for his own use; this continued for a period of three months, or until October 1, 1905, when Mr. Thompson resigned and returned to his home in Benton."

"I will further say that Mr. Thompson did not volunteer this information, and did not detail these facts to me until I convinced him that I knew most of the facts already.

"I now suggest to this committee, that a subpoena be issued for Mr. Thompson, to testify as to the truth of the statement I have made."

The committee refused to summon Mr. Thompson, but unani-

mously agreed to accept the foregoing, as the statement he would make if called to testify before the committee.

After the statement of P. H. Thompson had been read to the committee, Auditor Hager was called, and the statement re-read in his presence; who then made, in substance, the following statement:

"In January, 1904, when he entered upon the duties of the office of auditor, he appointed Roy Salmon, of Madisonville, Ky., to the position of chief clerk in the insurance department, under Commissioner H. R. Prewitt; Mr. Salmon accepted the appointment and came with is family to Frankfort; after he had been here a short time, Mr. Salmon spoke to him (the auditor) of returning to Madisonville for a time, and that in the event he (Salmon) wished to do so, that he should have his place back at any time that he might wish to return; and that he (the auditor) agreed to appoint any competent man to fill the place, whom Salmon might recommend; that Mr. Salmon did recommend P. H. Thompson, of Benton, Ky.—that he appointed Mr. Thompson; that he did not know what agreement was made between Salmon and Thompson; that Mr. Thompson proved to be an efficient and satisfactory man.

"In answer to a question as to whether or not Roy Salmon had paid a sum of money to the auditor before his appointment, Judge Hager replied that Mr. Salmon and his friends had contributed liberally to the campaign, and carried Hopkins county for him in the primary, and that he had promised the position to Mr. Salmon, but had not made any promise to Mr. Thompson."

The auditor's attention was then called to the statement of Mr. Thompson, where in their first interview in regard to Thompson receiving an appointment, that he (the auditor) said to Thompson," "how would a place at $100 per month suit you?" and to which Thompson replied, he would accept it, if that was the best he could get; that the auditor then said, I think the matter can be arranged all right." When asked as to the truth of that statement, the auditor replied, that if this conversation took place he did not remember it.

His attention was then called to another statement of Mr. Thomp-

son's; viz: That after the death of Roy Salmon, when Thompson failed to send the $50 check to Madisonville at the end of November, 1904, that he (Thompson) was instructed to send the check as per contract to Mrs. Roy Salmon. The auditor then made the following explanation of that matter:

"Soon after the death of Roy Salmon he was in the city of Louisville, and while there some friend or member of the family gave him a letter, written by Roy Salmon just before his (Salmon's) death, in which he asked the auditor, if anything should happen to him (Salmon) that he would see that P. H. Thompson, carried out their contract with his (Salmon's) wife; that on his return from Louisville, he saw Mr. Thompson and delivered this message."

Auditor Hager was then asked whether or not Mr. Franklin, who succeeded P. H. Thompson, was paying any part of his salary to Mrs. Salmon. In answer to this he replied, "that if he was he did not know it; that when Thompson resigned he allowed friends of the Salmon family at Madisonville to name his successor; that Chas. G. Franklin was recommended. That he was appointed and proved to be a capable and satisfactory man."

## H. R. PREWITT STATEMENT.

Insurance Commissioner, H. R. Prewitt, was called before the committee, and in answer to questions stated, in substance, the following, viz.:

That Mr. Roy Salmon was appointed by the auditor, the 1st of January, 1904, to the position of chief clerk in the insurance department; that he held that position for more than two weeks; that he was in the office very little of the time; that Mr. Salmon said to him (Prewitt) that he did not know anything about clerical work; that he was a lawyer and had never kept books of any kind in his life; that Mr. Salmon seemed very much troubled about the matter; that he finally left and P. H. Thompson was appointed to fill his place, and Mr. Thompson proved to be a very capable and efficient man for the place; that a great deal of work had accumulated in this department,

and that Mr. Thompson had to work twelve to fifteen hours a day for several weeks before he got things in order.

Mr. Prewitt also said that he was sorry when Mr. Thompson left his department, but that his successor, Mr. Franklin, had proved to be capable and satisfactory.

## CHAS. G. FRANKLIN'S STATEMENT.

In answer to questions Mr. Chas G. Franklin made in substance the following statement, viz:

That he was a citizen of Madisonville, Hopkins county; that he now is, and has been since October, 1905, chief clerk in the insurance department of the auditor's office; that the salary is $150 per month; that, at the end of each month, he receives and receipts for $150; that out of that salary he mails a check each month for $50 to Mrs. Roy Salmon, at Madisonville, Ky. That before he left home he told Mrs. Salmon that he would do this; that it was entirely a voluntary act on his part, that he does this; that he had never mentioned this to any one in the aditor's office; that he earned his salary and thought he had a right to use it as he pleased.

As to the matter brought to the attention of the committee of another party employed in one of the departments, paying money for his position, the following is the substance of the evidence on that point, viz.:

Auditor Hager, in answer to questions, stated in substance, that Jno. R. Thomas, of Mayfield, Graves county whoheld the position of clerk in the land office department of the auditor's office, was an applicant for the same position, that when he (Hager) took charge of the office in January, 1904, Mr. Scott Cook, of Mayfield, was in Frankfort, and came to see him in behalf of Mr. Thomas; that Mr. Cook had been a strong friend of his in the Democratic primary of 1903, and had carried Graves county for him in that contest, that he had promised to allow Mr. Cook to name the man for that position, and notwithstanding the fact that J. R. Thomas, in said primary, had worked for and advocated the election of Mr. Chenault, and

against him (Hager), that at the request of Mr. Cook, he did appoin Mr. Thomas to the same position, that he held under Auditor Coulter; that after the appointement had been made, he, (the auditor) asked Mr. Thomas if he did not think he ought to contribute something to help pay his campaign expenses; that Mr. Thomas said, "he thought he should," and that he did contribute $250.

In answer to a question from the chairman, as to whether this contribution was to help pay the expenses of the primary or general election, the auditor answered, that it was for both.

J. R. Thomas was called before the committee, and his statement corroborated the statement of Auditor Hager in every respect, except Mr. Thomas said the contribution was to help pay the expenses of the primary election, and he did not mention the general election.

All of which is respectfully reported.

E. BARRY.
One of the Committee.

Said reports were received, ordered filed and spread on the Journal.

Leave of absence for an indefinite period was granted to Mr. Curle, on account of illness.

Mr. Barry offered the following resolution, viz.:

Whereas, T. M. Pythian, by request of the special investigating committee, waited on said committee at each and all of its sittings, by summoning witnesses and performing other services, be it

Resolved, That he be allowed the sum of fifteen dollars, to be paid out of the contingent expenses of the House and on the order of the clerk.

Said resolution was agreed to.

Mr. Simmons, of the special committee heretofore appointed under and by virtue of a resolution adopted by this House.

(For resolution see Journal of March 6th.)

Offered the following report, viz.:

March 7, 1906.

Commonwealth of Kentucky, House of Representatives, to Leslie W. Morris, Dr.:

To taking proof before committee appointed to investigate the disappearance of House Bill 333.

| | |
|---|---|
| Three days attendance, $5.00 per day | $15 00 |
| Thirty-two pages at 40 cents per page | 12 80 |
| Total | $27 80 |

The undersigned committee appointed to investigate the disappearance of House Bill No. 333, commonly known as the "Anti-Pool Room Bill," respectfully reports as follows:

In conformity to the resolution of the House to investigate the disappearance of said bill your committee heard witnesses on oath, and presents herewith a transcript of the testimony so heard, with a short summary of the substance thereof.

House Bill No. 333 was introduced on the 26th day of January, 1906, and was passed by the House on February 14, 1906, by a vote of 73 to 7; on February 15th it was reported to the Senate, but did not obtain its first reading until February 26th. This delay is attributed by the clerk of the Senate, Mr. William Cromwell to the pressure of other business before that body. On February 26th the bill was delivered to the sub-contractor under the public printer, Mr. Geo. A. Lewis, at whose office in Frankfort the bills were being printed. On Thursday, March 1st, about seventy-five printed copies of the bill were delivered to the Senate bill clerk, and about 125 copies to the House bill clerk, each of whom receipted therefor in writing. A number of printed copies was retained by Mr. Lewis at his office as was customary. It is shown by the testimony of the Senate bill clerk, Mr. Catlett and the Senate pages that printed copies were laid on the desk of every Senator on that morning; it appears that no more than two or three Senators saw any of said copies. Upon inquiry from one of the Senators the following day for a copy, it was discovered that all of said copies had disappeared from the desks of the Senators, as well as from the case in which the

Senate bill clerk kept the undistributed copies, which case was sometimes left open during the session of the Senate, but was kept under lock and key at other times. The Senate bill clerk at once went to the bill clerk of the House to procure a copy, but as shown by the testimony of the two bill clerks a diligent search failed to disclose any of the copies of said bill which had been returned to the House. The House bill case was always locked during the adjournment, but one morning about that time it was found broken and open by the House bill clerk on his arrival at the House.

The Senate bill clerk was in the habit of retaining four copies of each bill at the office of the clerk of the Senate, and these copies were the only ones found.

A Senator in company with one of the Representatives visited the office of the printer on the evening of March 2d and made inquiries for copies of said bill, but on examining the place where same had been placed, it was found that all the copies had disappeared. It was shown by the testimony of the public printer that after the bills were printed a stranger inquired for copies of House Bill 333, and was waited on by Mr. Lewis himself, who counted out for him six copies, the number asked for. While these were being counted the stranger reached down and took others, but it was not known by Mr. Lewis that all were taken until this request for copies was made by the Senator and Representative on March 2d.

This stranger is described as being between twenty and thirty years of age, with dark hair, clean-shaven, of medium height, as wearing light overcoat and soft hat, but his identity is not ascertained. The public printer, then went to the composing room and found the proof sheets, from which he printed other copies and delivered them to the bill clerks of the respective Houses the following morning. The original bill was delivered to the printer February 26th, and it is shown that immediately after the proof was corrected, it was placed in a pigeon hole in the desk of the printer and locked up. It was customary to deliver these original bills to the Senate clerk after they were printed and to take his receipt therefor, which receipts

were placed on a file located in the office of the printer near his desk, which place appears to have been accessible to outsiders.

On March 2d, when the aforesaid members of the General Assembly went to Mr. Lewis, inquiring as to the whereabouts of said bill, he at once went to said file to produce his receipt for same, but it was not to be found.

Mr. Cromwell, testified that the bill was never returned to him. Mr. Lewis testifies that it could not have been stolen from his desk, and that his invariable custom was to return such bills to the clerk and to receipt for same. The bill can not be found. It appears from the testimony of the Senate clerk that there were many inquiries concerning the bill after its passage by the House. Those inquiring were in the majority of instances strangers to the clerk.

Your committee is unable to fix the responsibility for the disappearance and loss of said bill.

We recommend the payment to Leslie W. Morris, stenographer for taking testimony and transcribing notes in the sum of $27.80 as shown by his bill hereto attached.

Respectfully submitted,
ROBERT C. SIMMONS,
CHAS. J. DAWSON,
GEO. S. WILSON.

Said report was received and ordered to be filed.

Mr. Shellman of the committee on appropriations to which the same had been recommitted reported a resolution, entitled

S. Res. 25. Resolution relative to the agricultural and mechanical college.

Ordered that said resolution be read the second time.

The provision of the Constitution as to the second reading of said bill, at length, being dispensed with, said resolution was read the second time by its title and ordered to be placed in the orders of the day.

The House took up for consideration, from the orders of the day, a joint resolution, entitled

S. Res. 5. Resolution for the benefit of the custodian of public buildings.

Said resolution is as follows, viz.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the custodian of public buildings be, and he is hereby authorized and empowered to employ such assistants as are necessary, at not exceeding three dollars per day, during the present session of the General Assembly, to keep fire in the capitol furnace, and the back capitol building in good condition.

2. The Auditor of Public Accounts is hereby authorized to draw his warrant in favor of said custodian for said amount.

3. There being no money on hand set apart to pay said expense, an emergency is declared to exist.

Mr. Bosworth offered the following amendment to said resolution, viz.:

Amend by striking out "three dollars" and inserting in lieu thereof "four dollars."

Said amendment was agreed to.

Ordered that resolution be read the third time.

The provision of the Constitution as to the third reading of said resolution, at length, being dispensed with, said resolution was read the third time by its title and concurred in.

The yeas and nays being taken on concurring in said resolution, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | M. T. Freeman, | J. M. Robertson, |
| Louis W. Arnett, | Taylor P. Gabbard, | S. M. Russell, |
| E. Barry, | B. P. Grigsby, Sr., | J. T. Scott, |
| W. G. Baxter, | Paul Gullion, | Ed. H. Shellman, |
| B. O. Becker, | Albert Hamilton, | Emmet P. Slattery, |
| Joe F. Bosworth, | J. A. Hamon, | W. H. Southall, |
| H. Kirby Bourne, | L. P. Head, | Hub L. Stevens, |
| J. C. Byland, | D. C. Hopper, | John A. Stevens, |
| J. W. Clay, | Wm. F. Klair, | Zeb. A. Stewart, |
| W. D. Claybrooke, | Geo. D. Litsey, | A. J. Thompson, |
| Sam. D. Cochran, | H. M. McCarty, | T. A. Weldon, |
| H. K. Cole, | Virgil McKnight, | John B. Wicker, |
| W. H. Cole, | Chris Mueller, | Geo. S. Wilson, |
| Charles I. Dawson, | V. W. Morris, | Munnell Wilson, |
| Lawrence J. Diskin, | Ion B. Nall, | J. Hal Woodford, |
| W. Reed Embry, | Henry G. Overstreet, | W. T. Wright, |
| Robert Enlow, | C. M. Paynter, | James G. Yaden—53. |
| J. A. Frazier, | M. M. Redwine, | |

In the negative—none.

Resolved, That the title of said resolution be as aforesaid.

The House took up for consideration, from the orders of the day, a bill, entitled

S. B. 27. An act to repeal and re-enact subdivision 1, of article 15 of chapter 46 of the Kentucky Statutes, entitled "Exempted personal property;" the sections repealed being sections 1697, 1698, 1699, 1700 and 1701.

Said bill is as follows, viz.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That subdivision 1, of article 15, of chapter 46, of the Kentucky Statutes, entitled "Exempted Personal Property," and same being section 1697, 1698, 1699, 1700 and 1701 of said statutes, be, and the same is now repealed.

§ 2. In lieu of said subdivision 1, it is enacted as follows:

"SUBDIVISION 1.

"Personal Property.

"§ 1697. Every person, with a family resident in this Commonwealth, shall have exempted from execution, attachment, garnishment, distress, fee bill or other process, personal property, including money and choses in action to the extent and of the value of not exceeding $600: Provided, however, That whenever any such money or chose in action is sought to be subjected to the payment of any debt created for food, raiment, house rent, fuel and medicine for the family, or for the necessary expenses incurred in the burial of any member of the family, only one-half of such money, or of the value of such chose in action shall be exempt from the payment of such debt, and the other one-half thereof shall be liable and subject to the payment of such debt. The costs shall be paid out of the portion which is hereby made liable and subject to the payment of such debt, but shall not be a credit on the debt itself.

"Whenever such one-third of such money or of the value of any chose in action shall have been adjudged exempt from any such debt, it shall not thereafter be liable to the same debt or any other debt.

"§ 1698. Hereafter if any officer shall levy any process upon, or in any way seek to subject any of the property mentioned in the preceding section to the payment of any debt if the same shall be claimed by the owner as exempt under this act, he shall summon two sober, intelligent, discreet, disinterested housekeepers, who, after being sworn by said officer to honestly and faithfully appraise the property exhibited to them, shall appraise all the personal property, including money and choses in action, belonging to said defendant debtor at its fair cash value; and if they shall fail to agree on any matter touching said appraisement, said officer shall act as umpire. Said appraisement shall be in writing and subscribed and sworn to by said appraisers, and shall contain a full and complete list of all the property appraised by them, together with the value placed on each article.

§ 1699. Said officer shall set aside, out of such property, to said defendant debtor, property selected by him, to the value of not exceeding $600, and the remainder of said property shall be sold and the proceeds applied to the satisfaction of the writ under which said levy was made.

"If the party in whose favor the writ is elects so to do, he may pay to defendant debtor the sum of $600, in lieu of said exemption, and when said sum is so paid, the said officer shall take possession of the whole of said property and sell the same to the highest and best bidder, on a credit of three months, after having advertised the time and place of said sale by three or more written or printed posters for a period of ten days, one at the courthouse door and the other two at public places in the neighborhood of where the property is to be sold. He shall take bond of the purchaser of said property, with good and sufficient surety, bearing 6 per cent. interest until paid, payable to the person to whom said money is due, to the extent of his debt, interest and cost, including the $600 paid to said debtor, with 6 per cent. interest from the date of said payment; and the excess, if any, payable to said defendant debtor.

"§ 1700. It shall be the duty of said defendant debtor to exhibit to said officer and appraisers all of the personal property and make disclosure of all the money and choses in action owned by him for appraisement; and if he fails to do so, such action shall be a contempt of the court which issued said writ, and it shall be the duty of said officer to report said facts to said court, and the duty of said court to deal with said matter as the equities of the case may require. For the purposes of said exhibit and disclosure, the said officer may examine the said defendant debtor under oath.

"§ 1701. Said officer and said appraisers shall be allowed the same fees for their services herein as is now allowed by law for such services, and same to be taxed as part of the costs of said writ or proceeding. Said officer shall return said appraisement with said writ, and explain all his action in said matter, in his return, which shall be recorded."

Mr. Bourne offered the following amendment to said bill:

Amend by striking out that part of section 1696, beginning at "if" and ending with the word "debtor" in line 52.

Said amendment was disagreed to.

Mr. Stewart moved that the further consideration of said bill be indefinitely postponed.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Alverson and Johnson, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| E. Barry, | W. J. Jackson, | Emmet P. Slattery, |
| W. G. Baxter, | Wm. F. Klair, | W. H. Southall, |
| Bennett Clarke, | Geo. D. Litsey, | Hub L. Stevens, |
| Charles I. Dawson, | M. H. McLean, | John A. Stevens, |
| W. Reed Embry, | R. W. Miller, | Zeb. A. Stewart, |
| J. A. Frazier, | V. W. Morris, | George W. Stone, |
| Lloyd W. Gates, | Ion B. Nall, | T. A. Weldon, |
| A. J. Gorham, | W. J. Osborne, | W. T. White, |
| James A. Hagan, | Henry G. Overstreet, | J. Hal Woodford. |
| J. A. Hamon, | John R. Ray, | W. T. Wright, |
| L. P. Head, | J. M. Robertson, | James G. Yaden—33. |

Those who voted in the negative were—

| | | |
|---|---|---|
| J. M. Alverson, | M. T. Freeman. | C. M. Paynter, |
| John Barr, | Taylor P. Gabbard, | M. M. Redwine, |
| B. O. Becker, | W. J. Gooch. | S. M. Russell, |
| Peter Best, Jr., | John C. Griffith, | J. T. Scott, |
| Joe F. Bosworth, | B. P. Grigsby, Sr., | Ed. H. Shellman, |
| H. Kirby Bourne, | Paul Gullion, | R. C. Simmons, |
| J. C. Byland, | W. C. Halbert, | T. J. Slaton, |
| W. T. Cain, | Albert Hamilton, | A. J. Thompson, |
| M. F. Campbell, | D. C. Hopper, | C. F. Thornton, |
| N. B. Chipman, | L. F. Johnson, | Harry Weitkamp, |
| W. D. Claybrooke, | H. M. McCarty, | John B. Wicker, |

| | | |
|---|---|---|
| Sam. D. Cochran, | Virgil McKnight, | Geo. S. Wilson, |
| H. K. Cole, | J. M. Mitchell, | J. T. Wilson, |
| W. H. Cole. | James S. Morris, | Munnell Wilson, |
| Robert Enlow, | Ed. Mulcahy, | J. A. Yates—45. |

Mr. Alverson offered the following amendment to said bill, by way of substitute therefor, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1697 of Kentucky Statutes 1903, compiled and edited by John D. Carroll, be, and the same is hereby, repealed, and said section is re-enacted to read as follows:

"Sec. 1697. The following property of persons with a family resident in this Commonwealth, shall be exempt from execution, attachment, distress, or fee bill, viz.: Two work beasts, or one work beast and one yoke of oxen; two plows and gear; one wagon and set of gear, or cart or dray; two axes, three hoes, one spade, one shovel; two cows and calves; beds, bedding and furniture sufficient for family use; one loom and spinning wheel and pair of cards; all the spun yarn, manufactured cloth manufactured by the family necessary for family use; carpeting for all the family rooms in use; one table; all books not to exceed $50.00 in value; two saddles and their appendages; two bridles; six chair, or so many as shall not exceed $10.00 in value; one cradle; all the poultry on hand; ten head of sheep, not to exceed $25.00 in value; all wearing apparel; sufficient provisions, including bread stuff and animal food to sustain the family for one year; if not on hand, other personal property (excluding wages), money or growing crop, not to exceed $40.00 in value for each member of the family; provender suitable for live stock, if there be any such stock, not to exceed $70.00 in value; and if such property be not on hand, such other property as shall not exceed such sum in value; all washing apparatus, not to exceed $50.00 in value; one sewing machine and all family portraits and pictures; one cooking stove and appendages, and other cooking utensils, not to exceed in value $25.00. Wages of all persons who

work for wages in the sum of $10.00 per week for each week or part thereof the wages are owing shall be exempt from execution, attachment, distress or fee bill, excepting for debts incurred for food, raiment, clothing, house rent and other necessaries of life."

Said substitute was agreed to.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | Thomas Drewry, | J. M. Mitchell, |
| Louis W. Arnett, | Robert Enlow, | Ed. Mulcahy, |
| Peter Best, Jr., | Taylor P. Gabbard, | J. M. Robertson, |
| J. C. Byland, | Paul Gullion, | R. C. Simmons, |
| J. W. Clay, | D. C. Hopper, | W. W. Smith, |
| W. D. Claybrooke, | L. F. Johnson, | Harry Weitkamp, |
| H. K. Cole, | M. H. McLean, | John B. Wicker, |
| W. H. Cole, | Henry C. Miller, | J. Hal Woodford, |
| Lawrence J. Diskin, | Chris Mueller, | W. T. Wright—27. |

Those who voted in the negative were—

| | | |
|---|---|---|
| John Barr, | Albert Hamilton, | J. T. Scott, |
| E. Barry, | J. A. Hamon, | Ed. H. Shellman, |
| W. G. Baxter, | L. P. Head, | T. J. Slaton, |
| Joe F. Bosworth, | W. J. Jackson, | Emmet P. Slattery, |
| H. Kirby Bourne, | W. H. Jones, | W. H. Southall, |
| W. T. Cain, | Wm. F. Klair, | Hub L. Stevens, |
| M. F. Campbell, | Geo. D. Litsey, | John A. Stevens, |
| N. B. Chipman, | H. M. McCarty, | Zeb. A. Stewart, |
| Bennett Clarke, | Virgil McKnight, | George W. Stone. |
| Sam. D. Cochran, | R. W. Miller, | C. C. Terry, |

| | | |
|---|---|---|
| Henry M. Cox, | V. W. Morris, | A. J. Thompson, |
| Charles I. Dawson, | James S. Morris, | C. F. Thornton, |
| W. Reed Embry, | Ion B. Nall, | T. A. Weldon, |
| J. A. Frazier, | W. J. Osborne, | W. T. White, |
| Lloyd W. Gates, | Henry G. Overstreet, | Geo. S. Wilson, |
| W. J. Gooch, | C. M. Paynter, | J. T. Wilson, |
| A. J. Gorham, | John R. Ray, | Munnell Wilson, |
| B. P. Grigsby, Sr., | M. M. Redwine, | James C. Yaden, |
| James A. Hagan, | S. M. Russell, | J. A. Yates—57. |

And so said bill was disagreed to.

Mr. James S. Morris moved that the vote by which said bill was disagreed to be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

S. B. 134. An act to amend and re-enact section 919 and 920 of the Kentucky Statutes, chapter 34, article 4, relative to dividing or striking off territory.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sections 919 and 920 be, and are hereby, re-enacted and amended, and shall read as follows:

"Sec. 919. That when a petition signed in person by not less than a majority of the voters living in such territory shall be filed at the regular term of county court thereof, asking for same, it shall be the duty of the county court, by order entered of record, to call an election to be held, and direct a poll to be opened at the various precincts in the county on the day of any regular election to be held in said county for other than county officers, which does not occur within less than ninety days from the filing of said petition, at which election the proposition for dividing or striking the territory therein described from said county, and attaching same

to adjoining county, shall be submitted to the legal voters of said county for their approval or rejection, but no order of the county court calling such election shall be legal unless it contains a specific description of the territory proposed to be stricken or divided. It shall be the duty of the county court, by order entered of record, to direct the sheriff of the county to advertise the said election and the object thereof for at least sixty days next before the day thereof in one or more newspapers printed and published in the county, if there be a newspaper published in the county, and also by printed handbills posted at not less than four places in each voting precinct and at the court-house door.

"Sec. 920. It shall be the duty of the officers of said election in each voting precinct to hold said election the same hours they are by law required to hold said election for the purpose of any regular election, and said election shall be held and conducted in all respects under the general election laws obtaining in this Commonwealth at the time of the election."

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | W. J. Gooch, | Richard S. Rose, |
| Louis W. Arnett, | A. J. Gorham, | J. T. Royalty, |
| John Barr, | James A. Hagan, | S. M. Russell, |
| E. Barry, | Albert Hamilton, | T. J. Slaton, |
| W. G. Baxter, | L. F. Johnson, | W. W. Smith, |
| Charles C. Beard, | Wm. F. Klair, | John A. Stevens, |
| B. O. Becker, | Geo. D. Litsey, | Zeb. A. Stewart, |
| Joe F. Bosworth, | H. M. McCarty, | George W. Stone, |

| | | |
|---|---|---|
| H. Kirby Bourne, | M. H. McLean, | C. C. Terry, |
| W. T. Cain, | J. M. Mitchell, | C. F. Thornton, |
| M. F. Campbell, | James S. Morris, | John B. Wicker, |
| J. W. Clay, | Ion B. Nall, | Geo. S. Wilson, |
| Sam. D. Cochran, | W. J. Osborne, | Munnell Wilson, |
| Henry M. Cox, | C. M. Paynter, | J. Hal Woodford, |
| Charles I. Dawson, | M. M. Redwine, | W. T. Wright, |
| J. A. Frazier, | J. M. Robertson, | J. A. Yates—48. |

Those who voted in the negative were—

| | | |
|---|---|---|
| Taylor P. Gabbard, | V. W. Morris, | A. J. Thompson, |
| John C. Griffith, | Emmet P. Slattery, | J. T. Wilson, |
| D. C. Hopper, | Hub L. Stevens, | James C. Yaden—9. |

Resolved, That the title of said bill be as aforesaid.

Mr. Arnett moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

S. B. 96. An act to amend and re-enact section 12 of an act, entitled "An act concerning the militia of the Commonwealth of Kentucky," approved March 13, 1893, and being section 2663 of the Kentucky Statutes.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 12 of an act, entitled "An act concerning the militia of the Commonwealth of Kentucky," approved March 13, 1893, and being section 2663 of the Kentucky Statutes, be, and the same is hereby, amended and re-enacted, so as to read as follows:

"The term of enlistment shall be for three years: Provided, That after the original organization and muster in of a company of State

Guards, if an applicant for enlistment in such company shall have served honorably, for two years or more, in the military service of this or any other State, or in the army of the United States, the enlisting or mustering officer may, if he deems such applicant sufficiently proficient in military knowledge and training, enlist and muster such applicant for a period of not less than one year nor more than three years. The obligation of enlistment of such applicant shall show the time and place of such former military service, and the enlisting officer may require further proof of such service. No person shall become a member of any organization of the State Guard except on subscribing an obligation of enlistment of the following form:

"KENTUCKY STATE GUARD—ENLISTMENT.

"I, —— ——, desiring to become an active bona fide member of the Kentucky State Guard, and to enlist in Captain ——'s company of ——, known as —— (—— Company, —— Regiment of Kentucky State Guard), declare that I am a resident of the State of Kentucky and the county of ——; that I am —— years of age; that my occupation is that of ——; that I do not now belong to any other organization in the Kentucky State Guard, nor have I ever been discharged from the State Guard for disability, or by sentence of court martial, and that I know of no impediment to my becoming a member of the State Guard according to law. And I solemnly promise and agree that I will honestly and faithfully serve the State of Kentucky, and that I will do my utmost to support the Constitution and the laws of the United States and of the State of Kentucky against all violence of whatsoever kind or description; and I further declare that I will well and truly execute and obey the lawful orders of all officers legally placed over me when on duty. I further declare that I have done military service as follows: ——.

"Signed and acknowledged before me at ——, in the county of ——, State of Kentucky, this —— day of ——, ——; and in further pursuance of the authority vested in me by paragraph ——

of special orders No. ——, dated the —— day of ——, ——, from the Adjutant General's office, I have this day mustered the said —— into the State Guard service in the company aforesaid for the period of —— years.

"_____

"_____

"Mustering Officer."

This paper must be executed in duplicate, one copy to be retained in the company records, the other forwarded at once to the Adjutant General of the State.

After the original enlistments and organization of the company, recruits for the company may be enlisted by such officer as the Governor may, by his order, direct.

Mr. Arnett offered the following amendment to said bill, viz.:

Amend the title of S. B. 96 so it will read as follows:

"An act to amend sections 2663, 2670 and 2677 of the Kentucky Statutes, Carroll's 1903 edition, being portions of an act of March 13, 1893, entitled An act concerning the militia of the Commonwealth of Kentucky.

Amend S. B. 96 by adding thereto the following as section 2 of said bill:

§ 2. That section 2670 of the Kentucky Statutes be amended and re-enacted so that it will read as follows:

"§ 2670. The Governor shall, when practicable, organize the Kentucky State Guard into regiments and battalions; each regiment shall consist of not less than eight nor more than twelve companies, and shall have a colonel, a lieutenant-colonel and a major for each battalion of not less than three companies. The normal battalion organization shall contain four companies. Whenever the strength of the Guard may permit it, the Governor may organize it into a brigade or brigades with the usual and necessary officers and staff corresponding to the officers and staff of brigade organizations in the United States Army. Such officers and staff

to be elected and appointed as provided with reference to other officers of the State Guard.

When combined in regimental or battalion organization, companies shall be designated by a particular letter of the alphabet and, in the original organization, shall be lettered according to the rank of captains, but shall thereafter retain the letter first assigned without reference to subsequent changes in the rank of captains. In addition to the numeral designation, any regiment may retain its distinctive name.

§ 2670A. The cadet battalion of the Agricultural and Mechanical College of Kentucky is hereby made and created an honorary organization of the Kentucky State Guard. Whenever said cadet battalion or any company thereof of not less than fifty-one men, rank and file, shall volunteer for any duty of the State Guard, the Governor shall have the power to assign and order said battalion or company to the execution of such duty as if it were a part of the regularly enlisted State Guard. Whenever any member or members of said cadet battalion shall volunteer to any commanding officer of any company, battalion or regiment of the Guard for any duty of such Guard, such commanding officer shall have the power to assign and order such member or members to the execution of such duty the same as if regularly enlisted in such company, battalion or regiment. Each individual member of said cadet battalion who volunteers for any duty as herein provided, and each member of said battalion or any company thereof which volunteers for any such duty shall sign, in duplicate, a paper showing that he has volunteered for such duty, but no person shall be allowed to volunteer for any such duty except such persons as are permitted by law to enlist in the Kentucky State Guard. Said paper shall be signed in the presence of the officer to whom said battalion, company or individual member thereof shall report for duty and a copy thereof shall be immediately forwarded to the Adjutant-General of the State and the other copy retained by said officer. Thereupon said cadet battalion, company or individual

member thereof shall, for the purpose of such duty, be subject to all the laws, rules, regulations, privileges, rights and compensation of the regularly enlisted Kentucky State Guard."

Second amendment.

Add the following to said bill as section 3 thereof:

§ 3. Amend section 2677 of the Kentucky Statutes, Carroll's 1903 edition, so it will read as follows:

"§ 2677. Officers on the military staff of the Governor shall be removable at his pleasure; but shall be appointed for a term of four years, and all other officers shall be elected or appointed, as the case may be, for a term of three years; and in the event of the re-election or re-appointment of an officer to the same office at the expiration of his term, his rank shall date from the day of his first election or appointment. Seniority in the rank of officers of the same grade shall be determined by the length of continuous service in such grade; the longest in service being the senior: Provided, That where an officer of the Guard is temporarily absent from duty in the Guard by reason of serving, with the same or a higher rank, in the volunteer forces of Kentucky or of the United States in any war, either in the past or hereafter, and said officer, upon being honorably discharged from service with said volunteer forces forthwith returns to duty in the Kentucky State Guard and is commissioned in the same rank which he held before going out into such volunteer forces, his service in such volunteeer forces shall not be deemed to have interrupted his service in the Guard and his rank shall be the same as if he had not been absent from duty in the State Guard during his period of service in such volunteer forces.

"§ 2677A. There shall be kept in the office of the Adjutant-General a book or other proper record upon which shall be kept the names of certain officers, as hereinafter provided, to be known as the "Unassigned officers of the Kentucky State Guard." Any officer of the Kentucky State Guard, having served honorably

therein for at least three years, and whose company or other command has been or is about to be mustered out, or who, for any other reason, is without any active command or position in the Guard, or who may desire to retire from regular service in the State Guard, may apply to the Adjutant-General that he be relieved of regular participation in duties of the Guard and that he be retained in the service thereof with his rank of commissioned officer. He may file with his application a statement of his reasons for his request and such recommendations and endorsements of other officers as he may wish. If the Adjutant-General be of the opinion that the applicant has been a good and efficient officer and that the request is otherwise meritorious, he may place the name of the applicant upon the list of unassigned officers above provided for, together with the age, address, rank, date of commission and the last active command or other position of the applicant and the date of his last active or regular service in the State Guard. Said applicant shall have the right, at any time, to have his name stricken from said list and the Adjutant-General shall, at any time, have the right to strike the name of such applicant from said list, but shall endorse the reason therefor on said record, opposite the name of such officer. His commission shall expire whenever his name is stricken from said list. The officers thus placed upon the unassigned list, and not stricken off, shall be subject, at any time, to any special or temporary duty or active service to which the Governor may assign them. They shall remain in commission with the same rank as when placed on said unassigned list, and whenever any such unassigned officer shall be assigned to any special or temporary duty or active service, or shall re-enter the regular duty and service of the State Guard with the same rank as when placed on the unassigned list, his seniority shall be determined as of the date he was placed on said list.

"Officers of the cadet battalion of the Agricultural and Mechanical College of Kentucky, of not less than two years' training as officers and not less than three years' military training in said col-

lege may, upon the recommendation of the president of said college and the officer having charge of said battalion, be placed upon such unassigned list and shall have the same rights and be subject to the same duties as other officers placed thereon. Officers placed upon such list as herein provided shall be relieved of all duties except as herein provided. They shall receive no pay for any duty except as provided with reference to other officers of the Kentucky State Guard when on active duty."

Said amendments were agreed to.

Ordered that said bill, as amended, be read the third time.

The provision of the Constitution as to the reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | John C. Griffith, | Richard S. Rose, |
| Louis W. Arnett, | James A. Hagan, | J. T. Royalty, |
| John Barr, | W. C. Halbert, | S. M. Russell, |
| W. G. Baxter, | J. A. Hamon, | J. T. Scott, |
| H. Kirby Bourne, | L. F. Johnson, | R. C. Simmons, |
| J. C. Byland, | Wm. F. Klair, | T. J. Slaton, |
| F. Campbell, | Geo. D. Litsey, | Hub L. Stevens, |
| N. B. Chipman, | H. M. McCarty, | John A. Stevens, |
| Bennett Clarke, | M. H. McLean, | George W. Stone, |
| J. W. Clay, | Henry C. Miller, | C. C. Terry, |
| W. D. Claybrooke, | R. W. Miller, | A. J. Thompson, |
| Sam. D. Cochran, | Chris. Mueller, | C. F. Thornton, |
| H. K. Cole, | J. M. Mitchell, | Harry Weitkamp, |
| Henry M. Cox, | James S. Morris, | T. A. Weldon, |
| Charles I. Dawson, | Ion B. Nall, | W. T. White, |
| Lawrence J. Diskin, | W. J. Osborne, | John B. Wicker, |
| Thomas Drewry, | Henry G. Overstreet, | J. T. Wilson, |

J. A. Frazier, C. M. Paynter, Munnell Wilson,
Lloyd W. Gates, M. M. Redwine, J. Hal Woodford,
W. J. Gooch, J. M. Robertson, W. T. Wright—61.
A. J. Gorham,

In the negative—none.

Resolved, That the title of said bill be as follows, viz.:

The House took up for consideration, from the orders of the day, a bill, entitled

S. B. 104. An act to amend and re-enact section 54 of an act entitled "An act concerning the militia of the Commonwealth of Kentucky," approved March 13, 1893, and amendatory acts thereto, being section 2705 of the Kentucky Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 54 of an act, entitled "An act concerning the militia of the Commonwealth of Kentucky," approved March 13, 1893, and amendatory acts thereto, and being section 2705, Kentucky Statutes, be, and the same is hereby, amended and re-enacted so as to read as follows:

"The Adjutant General shall be furnished a suitable office in some of the public buildings at the capital of the Commonwealth, and shall, in addition to his other duties, under the direction of the Governor, collect moneys that may be due the Commonwealth on account of war claims for arms and supplies furnished by the State to the United States on account of the late war and the Civil War. He shall receive an annual salary of two thousand dollars for all services imposed on him by law, to be paid monthly out of the Treasury, and shall appoint one attendant at the State Arsenal, with the rank of ordnance sergeant, who shall, under the direction of the Adjutant General, take proper care of the arms and State property kept therein, and who shall receive an annual salary of six hundred dollars, to be paid in like manner as the Adjutant General. And in

addition to said annual salary of six hundred dollars, to be so paid, said ordnance sergeant shall be paid two hundred dollars, in equal monthly installments, out of the State military fund, appropriated by section two thousand seven hundred and four, and said sum of two hundred dollars shall not be a charge upon the State Treasury. An assistant Adjutant General shall receive an annual salary of twelve hundred dollars, to be paid in like manner as the Adjutant General. The Judge Advocate General shall receive for his services, as from time to time required, a reasonable compensation, to be fixed by the Adjutant General and approved by the Governor, and paid out of the Treasury on warrant of the Auditor of Public Accounts, upon duplicate accounts certified by the Adjutant General and countersigned by the Governor.

"Other officers and men of the State Guard, when employed in active service, except as hereinafter provided, shall receive pay as follows: Colonels, three dollars; lieutenant colonels, two dollars and seventy-five cents; majors, two dollars and fifty cents; captains, two dollars and twenty-five cents; first lieutenants, two dollars; second lieutenants, two dollars; sergeants of and above the grade of first, two dollars; other sergeants and corporals, one dollar and seventy-five cents; and privates, one dollar and fifty cents per day, the same to be paid out of the Treasury on warrant of the Auditor of Public Accounts, upon company or individual pay-rolls, as necessity may require, accompanied by copies or certificates of the orders bearing on the case, certified by the Adjutant General and approved by the Governor by his own signature: Provided, That the above-mentioned commissioned officers, when employed in active service with troops also in active service under order of the Governor, shall receive the same pay per day as officers of corresponding grades of the United States Army, the same to be paid in the same way as hereinbefore provided with reference to pay of officers and enlisted men.

"Each officer and each enlisted man shall also be entitled to one ration per day, and forage when mounted, the ration and forage to

be the same as in the army of the United States, or commuted at the actual cost thereof, or of subsistence."

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | Lloyd W. Gates, | J. M. Robertson, |
| Louis W. Arnett, | A. J. Gorham, | J. T. Royalty, |
| John Barr, | John C. Griffith, | S. M. Russell, |
| W. G. Baxter, | James A. Hagan, | J. T. Scott, |
| Joe F. Bosworth, | W. C. Halbert, | R. C. Simmons, |
| H. Kirby Bourne, | C. W. G. Hannah, | T. J. Slaton, |
| J. C. Byland, | L. F. Johnson, | Emmet P. Slattery, |
| W. T. Cain, | Wm. F. Klair, | W. W. Smith, |
| Bennett Clarke, | Geo. D. Litsey, | W. H. Southall, |
| J. W. Clay, | H. M. McCarty, | Hub L. Stevens, |
| W. D. Claybrooke, | M. H. McLean, | Zeb. A. Stewart, |
| Sam. D. Cochran, | R. W. Miller, | George W. Stone, |
| H. K. Cole, | Chris Mueller, | C. C. Terry, |
| Charles I. Dawson, | J. M. Mitchell, | A. J. Thompson, |
| Lawrence J. Diskin, | James S. Morris, | C. F. Thornton, |
| Thomas Drewry, | Ed. Mulcahy, | T. A. Weldon, |
| W. Reed Embry, | Ion B. Nall, | Geo. S. Wilson, |
| J. A. Frazier, | W. J. Osborne, | Munnell Wilson, |
| M. T. Freeman, | C. M. Paynter, | W. T. Wright, |
| Taylor P. Gabbard, | M. M. Redwine, | James G. Yaden—59. |

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

Mr. ——— moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the calendar, bills and resolutions of the following titles, viz.:

S. B. 27. An act to repeal and re-enact subdivision 1 of article 14, of chapter 46, Kentucky Statutes, entitled "Exempted Personal Property," the sections repealed being sections 1697, 1698, 1699, 1700, 1701.

S. B. 274. An act concerning excavations in cities of the first class.

S. B. 225. An act to amend an act to authorize the counties of this Commonwealth to issue bonds for the construction of turnpike and gravel roads, approved March 22, 1904.

S. B. 273. An act relating to fiscal courts, and providing a condition upon which accounts against any county may be paid.

S. B. 256. An act to provide against the evils resulting from the traffic in certain drugs and to regulate the sale thereof.

S. B. 188. An act to increase the efficiency of the office of inspector of mines and afford greater protection of the lives and health of persons in the coal and other mines of this Commonwealth, and to provide for the inspection of miners' scales and miners' oils.

S. B. 247. An act to amend sections 41 and 42 of chapter 4 of the Kentucky Statutes, Carroll's edition.

S. B. 145. An act to provide for the location, erection, organization and arrangement in Kentucky of a State sanitarium for the cure and treatment of tuberculosis and making an appropriation for the purchase of the necessary land and construction and equipment of necessary buildings, and making an appropriation for the maintenance of the sanitarium.

S. B. 153. An act to amend and re-enact chapter 53, Kentucky Statutes (Carroll's edition), the same including sections 1894 to 1898, being an act entitled "An act to protect the fish in the waters

of this State," approved May 16, 1893, and sections 1899 to 1905, being an act entitled "An act for the protection of food fish in certain waters in Kentucky," approved March 19, 1894.

S. B. 296. An act to amend an act for the benefit of Kuttawa Common School District, in Lyon county, which was approved May 1, 1884.

S. Res. 22. Resolution providing for appointment of committees to investigate conditions of lawlessness alleged to exist in Breathitt county and report thereon.

Ordered that said bills be read the second time.

The provision of the Constitution as to the second reading of said bills at length being dispensed with, said bills were severally read the second time by their title, and ordered to be placed in the orders of the day.

And then the House adjourned until 3 o'clock this afternoon.

## AFTERNOON SESSION.

At 3 o'clock p. m. the House met pursuant to adjournment.

The House took up for consideration from the orders of the day a bill, entitled

S. B. 226. An act to amend sections 21 and 26 of article 6 of an act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894, said sections being sections 3166 and 3171, respectively, of the Kentucky Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 21 of article 6 of an act, entitled An act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894, said section being section

3166, Kentucky Statutes, 1903, be amended so that said section as hereby amended and re-enacted shall read as follows:

"§ 3166. During the month of March, in the year 1906, and every four years thereafter, there shall be appointed by the mayor a city solicitor for a term of four years, whose term of office shall commence on the first Monday in April succeeding his appointment. He shall be a regularly admitted and practicing attorney-at-law. He shall appear for the city, and attend to all cases in the circuit court and the Court of Appeals, wherein the city may be a party complainant or defendant, or a party in interest; he shall give advice to any and all city officials, and to the general council, and shall attend the meetings of both boards of the general council, or of any committee thereof, when requested, and shall supervise the preparation of all contracts to which the city may be a party, and perform such other duties as may be prescribed by ordinance."

§ 2. That section 26 of article 6 of an act, entitled An act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894, said section being section 3171 of the Kentucky Statutes, 1903, be, and the same is hereby, repealed.

§ 3. Whereas, certain cities of the second class have heretofore abolished the office of city solicitor, and it is deemed necessary that said city should have the services of said officer, therefore an emergency is declared to exist, and this act shall take effect from and after its passage, but shall not apply to the present city solicitors in the cities of the second class that have not abolished said office, but said city solicitor shall hold his said office for the term for which they were elected.

Mr. McLean offered the following amendment to said bill, viz.:

Amend by striking out of section 1, lines 6 to 9, both inclusive, except in line 9 the words, "He shall be," and substituting in lieu thereof the following: "Wherever the office of city solicitor is now being held by appointment, as provided by law, it shall be the duty

of the mayor, upon the expiration of such term, to appoint a city solicitor, who shall hold his office until the first Monday in January, 1908.

"Wherever the office of city solicitor shall be vacant by reason of death, resignation or otherwise, it shall be the duty of the mayor to appoint a city solicitor, who shall hold his office until the next regular time for appointment to said office. On the first Tuesday in January, 1908, and every four years thereafter, the mayor shall appoint a city solicitor for a period of four years, and until his successor is appointed and qualified.

Said amendment was agreed to.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | Lloyd W. Gates, | Richard S. Rose, |
| Louis W. Arnett, | A. J. Gorham, | S. M. Russell, |
| John Barr, | John C. Griffith, | J. T. Scott, |
| E. Barry, | Paul Gullion, | Ed. H. Shellman, |
| W. G. Baxter, | James A. Hagan, | Emmet P. Slattery, |
| J. C. Byland, | L. F. Johnson, | W. H. Southall, |
| W. T. Cain, | W. H. Jones, | Hub L. Stevens, |
| M. F. Campbell, | Wm. F. Klair, | John A. Stevens, |
| J. W. Clay, | Geo. D. Litsey, | Zeb. A. Stewart, |
| W. D. Claybrooke, | M. H. McLean, | George W. Stone, |
| Sam. D. Cochran, | R. W. Miller, | C. C. Terry, |
| W. H. Cole, | Chris Mueller, | A. J. Thompson, |
| Charles I. Dawson, | J. M. Mitchell, | C. F. Thornton, |
| A. L. Denny, | Ion B. Nall, | Harry Weitkamp, |
| Lawrence J. Diskin, | W. J. Osborne, | John B. Wicker, |

| | | |
|---|---|---|
| Thomas Drewry, | Henry G. Overstreet, | Geo. S. Wilson, |
| Robert Enlow, | John R. Ray, | James C. Yaden, |
| J. A. Frazier, | M. M. Redwine, | Will A. Young—56. |
| M. T. Freeman, | J. M. Robertson, | |

Those who voted in the negative were—

| | | |
|---|---|---|
| B. O. Becker, | W. J. Jackson, | R. C. Simmons, |
| L. P. Head, | Virgil McKnight, | W. T. White—6. |

Resolved, That the title of said bill be as aforesaid.

Mr. McLean moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill, entitled

S. B. 166. An act to amend section 3637, Carroll's 1903 Kentucky Statutes, and thereby increase the power of the city council of the cities of the fifth class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charters of the cities of the fifth class, to-wit: Section 3637 of Carroll's 1903 Kentucky Statutes be amended by adding thereto the following subsection, which is in words as follows:

"The city council of such city shall have the right to prohibit horses, cattle, hogs and other stock from running at large on the streets and alleys of such city, as it may by ordinance provide. And may by resolution establish and maintain a pound, and make proper regulations for impounding and keeping stock, fixing fees of officers for impounding, trial and release of same, as well as penalties for the violation of said ordinance."

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | M. T. Freeman, | Richard S. Rose, |
| John Barr, | Taylor P. Gabbard, | S. M. Russell, |
| E. Barry, | W. J. Gooch, | J. T. Scott, |
| W. G. Baxter, | John C. Griffith, | Emmet P. Slattery, |
| B. O. Becker, | James A. Hagan, | W. W. Smith, |
| Peter Best, Jr., | L. P. Head, | Hub L. Stevens, |
| H. Kirby Bourne, | W. J. Jackson, | John A. Stevens, |
| J. C. Byland, | L. F. Johnson, | Zeb. A. Stewart, |
| W. T. Cain, | Wm. F. Klair, | George W. Stone, |
| M. F. Campbell, | Geo. D. Litsey, | C. C. Terry, |
| Bennett Clarke, | M. H. McLean, | A. J. Thompson, |
| J. W. Clay, | Chris Mueller, | C. F. Thornton, |
| W. D. Claybrooke, | J. M. Mitchell, | Harry Weitkamp, |
| Sam. D. Cochran, | Ed. Mulcahy, | T. A. Weldon, |
| W. H. Cole, | Ion B. Nall, | W. T. White, |
| A. L. Denny, | Henry G. Overstreet, | Geo. S. Wilson, |
| Lawrence J. Diskin, | C. M. Paynter, | J. T. Wilson, |
| Thomas Drewry, | M. M. Redwine, | James C. Yaden, |
| Robert Enlow, | J. M. Robertson, | J. A. Yates—58. |
| J. A. Frazier, | | |

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

Mr. Stewart moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

S. B. 243. An act to amend the act for incorporation of private corporations, being chapter 32 of the Kentucky Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any number of persons, not less than three, may associate themselves to establish a warehouse company, with power to guarantee receipts issued by said company or by other warehouse companies.

§ 2. That in the organization of such companies the general provisions of article 1 of chapter 32, Kentucky Statutes, shall govern and be complied with.

§ 3. That in the method of guarantying receipts such companies shall be governed by the fourth article of chapter 32 of the Kentucky Statutes, so far as may be applicable, and in the matter of the form of the certificate of guarantee shall be subject to the regulation and control of the Insurance Commissioner of this State.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | J. A. Frazier, | Henry G. Overstreet. |
| Louis W. Arnett, | Taylor P. Gabbard, | C. M. Paynter, |
| John Barr, | Lloyd W. Gates, | M. M. Redwine, |
| W. G. Baxter, | W. J. Gooch, | J. M. Robertson, |
| Joe F. Bosworth, | A. J. Gorham, | J. T. Royalty, |
| H. Kirby Bourne, | John C. Griffith, | S. M. Russell, |
| J. C. Byland, | Paul Gullion, | J. T. Scott, |

| | | |
|---|---|---|
| M. F. Campbell, | James A. Hagan, | Emmet P. Slattery, |
| N. B. Chipman, | Albert Hamilton, | Hub L. Stevens, |
| Bennett Clarke, | L. P. Head, | John A. Stevens, |
| J. W. Clay, | L. F. Johnson, | George W. Stone, |
| W. D. Claybrooke, | Wm. F. Klair, | A. J. Thompson, |
| H. K. Cole, | Geo. D. Litsey, | C. F. Thornton, |
| W. H. Cole, | Virgil McKnight, | Harry Weitkamp, |
| Henry M. Cox, | R. W. Miller, | T. A. Weldon, |
| Lawrence J. Diskin, | J. M. Mitchell, | Geo. S. Wilson, |
| Thomas Drewry, | James S. Morris, | W. T. Wright, |
| Robert Enlow, | Ion B. Nall, | James G. Yaden—54. |

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

Mr. Scott moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

S. B. 281. An act to further regulate the time of holding courts in the nineteenth, twentieth and thirty-second judicial districts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act creating the thirty-second judicial district of Kentucky, fixing the time of holding the courts thereof, providing for the election of a circuit judge and Commonwealth's attorney, and changing the nineteenth and twentieth judicial districts of Kentucky, so as to provide for said thirty-second district, and fixing the time for holding the courts in said nineteenth and twentieth districts," which was approved on the 21st of February, 1906, be, and the same is hereby, amended by striking out section 4 of said act, and inserting in lieu thereof the following:

"§ 4. The time for holding courts in said three districts shall be as follows:

"Nineteenth District—Mason county, at Maysville, on first Monday in September, first Monday in December and fourth Monday in March, and continue each for thirty-six juridical days.

"Fleming county, at Flemingsburg, on the third Monday in October, on the third Monday in January, to continue each for eighteen juridical days, and on the second Monday in May, and continue for twenty-four juridical days.

"Bracken county, at Brooksville, on second Monday in November, on the second Monday in February, and the second Monday in June, and continue each for eighteen juridical days.

"Twentieth District—Lewis county, at Vanceburg, first Monday in January, second Monday in March, and second Monday in September, and continue each for eighteen juridical days.

"Greenup county, at Greenup, on the fourth Monday in January, first Monday in April, and first Monday in October, and continue each twelve juridical days.

"Boyd county, at Catlettsburg, on first Monday in February, on the third Monday in April and third Monday in October, and continue each for twenty-four juridical days.

"Thirty-second District—Lawrence county, at Louisa, on second Monday in January, fourth Monday in April and second Monday in September, and continue each for twenty-four juridical days.

"Elliott county, at Martinsburg, second Monday in February, third Monday in May and first Monday in October, and continue each for eighteen juridical days.

"Carter county, at Grayson, on the first Monday in March, first Monday in June and fourth Monday in October, and continue each eighteen juridical days.

"Morgan county, at West Liberty, on the fourth Monday in March, fourth Monday in June and on the third Monday in November, and continue each for eighteen juridical days," so that said act when so amended and re-enacted shall read as follows:

"Whereas, there has been a large increase of population and a

large development of resources in the present nineteenth and twentieth districts of Kentucky, so much so that it is impossible for the judges to do the work required of the courts in said districts in the time now allotted by law or which can be allotted; and,

"Whereas, by reason of these facts the business of said districts is congested, and in some of the counties it is impossible to complete the business in the time fixed by law; now, therefore,

"Be it enacted by the General Assembly of the Commonwealth of Kentucky:

"§ 1. The Thirty-second Judicial District of Kentucky shall be composed of the counties of Carter, Elliott, Lawrence and Morgan.

"The Twentieth District, Boyd, Greenup and Lewis.

"The Nineteenth District, Fleming, Mason and Bracken.

"§ 2. The present judge and Commonwealth's attorney in said Nineteenth and Twentieth Districts shall remain and be unchanged for the time provided by law.

"§ 3. The Governor shall appoint and commission a circuit judge and Commonwealth's attorney in the Thirty-second District, who shall hold their offices until their successors are elected and qualified. An election shall be held in said district to elect a circuit judge and Commonwealth's attorney at the regular November election, 1907, to succeed the officers appointed under this act.

"§ 4. The time for holding courts in said three districts shall be as follows:

"Nineteenth District—Mason county, at Maysville, on first Monday in September, first Monday in December and fourth Monday in March, and continue each for thirty-six juridical days.

"Fleming county, at Flemingsburg, on the third Monday in October, on the third Monday in January, to continue each for eighteen juridical days, and on the second Monday in May and continue for twenty-four juridical days.

"Bracken county, at Brooksville, on second Monday in November, on the second Monday in February and the second Monday in June, and continue each for eighteen juridical days.

"Twentieth District—Lewis county, at Vanceburg, third Monday in February, second Monday in March and third Monday in September, and continue each for eighteen juridical days.

"Greenup county, at Greenup, on the second Monday in March, first Monday in June and second Monday in October, and continue each twelve juridical days.

"Boyd county, at Catlettsburg, on first Monday in January, on the first Monday in April and fourth Monday in October, and continue each for twenty-four juridical days.

"Thirty-second District—Lawrence county, at Louisa, on second Monday in January, fourth Monday in April and second Monday in September, and continue each for twenty-four juridical days.

"Elliott county, at Martinsburg, second Monday in February, third Monday in May and first Monday in October, and continue each for eighteen juridical days.

"Carter county, at Grayson, on the first Monday in March, first Monday in June and fourth Monday in October, and continue each eighteen juridical days.

"Morgan county, at West Liberty, on the fourth Monday in March, fourth Monday in June and on the third Monday in November, and continue each for eighteen juridical days."

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | A. J. Gorham, | J. T. Royalty, |
| John Barr, | Paul Gullion, | S. M. Russell. |
| W. G. Baxter, | James A. Hagan, | J. T. Scott, |
| Joe F. Bosworth, | W. C. Halbert, | Ed. H. Shellman, |

H. Kirby Bourne,
J. C. Byland,
W. T. Cain,
M. F. Campbell,
N. B. Chipman,
J. W. Clay,
W. D. Claybrooke,
Sam. D. Cochran,
W. H. Cole,
Henry M. Cox,
A. L. Denny,
Lawrence J. Diskin,
Thomas Drewry,
J. A. Frazier,
M. T. Freeman,
Taylor P. Gabbard,
Lloyd W. Gates,
W. J. Gooch,
Albert Hamilton,
D. C. Hopper,
W. J. Jackson,
W. H. Jones,
Wm. F. Klair,
Geo. D. Litsey,
Virgil McKnight,
R. W. Miller,
J. M. Mitchell,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
W. J. Osborne,
C. M. Paynter,
John R. Ray,
M. M. Redwine,
J. M. Robertson,
Emmet P. Slattery,
Hub L. Stevens,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
C. C. Terry,
A. J. Thompson,
C. F. Thornton,
Harry Weitkamp,
T. A. Weldon,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
W. T. Wright,
James C. Yaden,
J. A. Yates—64.

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

Mr. Scott moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill, entitled

S. B. 66. An act appropriating $2,000 for the purpose of restoring the monument to Daniel Boone in the Frankfort cemetery.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be, and is hereby, appropriated out of any money in the Treasury not otherwise appropriated, the sum of two thousand dollars for the purpose of restoring the monument

to Daniel Boone in the Frankfort cemetery. Said sum to be expended, together with five hundred dollars already contributed by Rebecca Bryan Boone Chapter of the Daughters of the American Revolution, of Newport, Kentucky, under a commission consisting of three persons, appointed by the Governor, who shall act without compensation in the expenditure of the same.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | Taylor P. Gabbard, | M. M. Redwine, |
| John Barr, | Lloyd W. Gates, | J. M. Robertson, |
| W. G. Baxter, | W. J. Gooch, | J. T. Royalty, |
| B. O. Becker, | A. J. Gorham, | S. M. Russell, |
| Joe F. Bosworth, | Paul Gullion, | J. T. Scott, |
| J. C. Byland, | James A. Hagan, | R. C. Simmons, |
| W. T. Cain, | W. C. Halbert, | T. J. Slaton, |
| M. F. Campbell, | Albert Hamilton, | Emmet P. Slattery, |
| N. B. Chipman, | J. A. Hamon, | W. W. Smith, |
| Bennett Clarke, | D. C. Hopper, | Hub L. Stevens, |
| J. W. Clay, | L. F. Johnson, | John A. Stevens, |
| W. H. Cole, | Wm. F. Klair, | C. F. Thornton, |
| Henry M. Cox, | Geo. D. Litsey, | Harry Weitkamp, |
| Charles I. Dawson, | M. H. McLean, | T. A. Weldon, |
| Lawrence J. Diskin, | R. W. Miller, | Geo. S. Wilson, |
| Thomas Drewry, | Chris Mueller, | W. T. Wright, |
| J. A. Frazier, | J. M. Mitchell, | James C. Yaden, |
| M. T. Freeman, | V. W. Morris, | J. A. Yates—54. |

Those who voted in the negative were—

| | | |
|---|---|---|
| J. M. Alverson, | W. J. Osborne, | George W. Stone, |
| H. Kirby Bourne, | Henry G. Overstreet, | A. J. Thompson, |
| Robert Enlow, | C. M. Paynter, | W. T. White, |
| W. J. Jackson, | John R. Ray, | John B. Wicker, |
| Ed. Mulcahy, | Zeb. A. Stewart, | J. Hal Woodford—15. |

Resolved, That the title of said bill be as aforesaid.

The House took up for consideration from the orders of the day a bill, entitled

S. B. 231. An act to amend section 47 of an act providing for the creation and regulation of private corporations, which became a law April 5, 1893, and which as heretofore amended has become and now is section 584 of the edition of the Kentucky Statutes, compiled and edited by John D. Carroll and issued in 1903.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 47 of an act, entitled An act providing for the creation and regulation of private corporations, which became a law on April 5, 1893, and which as heretofore amended has become and now is section 584 of the edition of the Kentucky Statutes, compiled and edited by John D. Carroll in the year 1903, be, and the same is hereby, amended by adding thereto the following words, to-wit:

"Provided, however, That any bank shall not be required to keep on hand more than ten per cent. of what are known as savings deposits, that is, deposits on which the depositor has not the right to check, except upon giving at least thirty days' notice of his purpose to withdraw same," so that the entire section as amended shall read as follows:

"§ 584. Deposits—Amount to be kept on Hand.—Each bank shall keep on hand at all times at least fifteen per cent. of its

total deposits; in cities with a population of over fifty thousand, at least twenty-five per cent. of its total deposits, one-third of which reserve shall be in money, and the balance may be in funds, payable on demand, deposited in other banks: Provided, however, That any bank shall not be required to keep on hand more than ten per cent. of what are known as saving deposits, that is, deposits on which the depositor has not the right to check except upon giving at least thirty days' notice of his purpose to withdraw same."

§ 2. This act to take effect and be in force from and after its passage, as by the Constitution authorized.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | J. A. Frazier, | V. W. Morris, |
| Louis W. Arnett, | M. T. Freeman, | Ed. Mulcahy, |
| John Barr, | Lloyd W. Gates, | Henry G. Overstreet, |
| E. Barry, | W. J. Gooch, | C. M. Paynter, |
| W. G. Baxter, | A. J. Gorham, | John R. Ray, |
| B. O. Becker, | John C. Griffith, | M. M. Redwine, |
| Joe F. Bosworth, | James A. Hagan, | J. T. Royalty, |
| H. Kirby Bourne, | W. C. Halbert, | S. M. Russell, |
| N. B. Chipman, | J. A. Hamon, | J. T. Scott, |
| Bennett Clarke, | L. P. Head, | Ed. H. Shellman, |
| J. W. Clay, | L. F. Johnson, | T. J. Slaton, |
| W. D. Claybrooke, | Wm. F. Klair, | T. A. Weldon, |
| Sam. D. Cochran, | Henry C. Miller, | W. T. White, |
| Lawrence J. Diskin, | R. W. Miller, | Geo. S. Wilson. |
| Thomas Drewry, | Chris Mueller, | James G. Yaden—46. |
| Robert Enlow, | | |

Those who voted in the negative were—

| | | |
|---|---|---|
| Peter Best, Jr., | D. C. Hopper, | C. C. Terry, |
| J. C. Byland, | Geo. D. Litsey, | A. J. Thompson, |
| W. T. Cain, | M. H. McLean, | C. F. Thornton, |
| M. F. Campbell, | W. J. Osborne, | John B. Wicker, |
| H. K. Cole, | R. C. Simmons, | J. T. Wilson, |
| W. H. Cole, | W. H. Southall, | Munnell Wilson, |
| Charles I. Dawson, | Hub L. Stevens, | W. T. Wright, |
| W. Reed Embry, | Zeb. A. Stewart, | J. A. Yates, |
| Taylor P. Gabbard, | George W. Stone, | Will A. Young—28. |
| Albert Hamilton, | | |

Resolved, That the title of said bill be as aforesaid.

The House took up for consideration, from the orders of the day, a bill, entitled

S. B. 264. An act authorizing the county courts of counties maintaining a system of free turnpikes to erect toll gates and collect toll to keep the same in repair.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in counties in this Commonwealth that have acquired the turnpikes therein under section 4748b, of the Kentucky Statutes, embracing an act of the General Assembly, approved March 17, 1896, and are now maintaining such roads by taxation or otherwise, upon written application, directed to the county judge of any county of this Commonwealth, asking for a vote in said county upon the proposition to allow counties owning their turnpikes and gravel roads to charge a toll on horses and cattle, and vehicles traveling same, or such part thereof as the court may designate, and to erect toll gates for the collection of such tolls, signed by a number of voters of said county equal to 15 per cent. of the vote cast at the last preceding general or county election in said county. It shall be the duty of the judge of the county court, at the next regular

term thereof after receiving said petition, to make an order in his book directing an election to be held in said county at the next regular or county election in said county that does not occur within sixty days of the date of entering the order, to take the sense of the qualified voters of said county upon the proposition to erect toll gates and collect toll on turnpike and gravel roads belonging to said county, or any part of such roads as in the discretion of the court shall be fixed in the order, which order shall direct the sheriff, or other officer of said county who may be appointed to hold said election, to open a poll at each and all of the voting precincts in said county for the purpose of taking the sense of the qualified voters upon the proposition aforesaid.

§ 2. It shall be the duty of the county clerk to give to the sheriff of the county, or such other officer as may be appointed to hold said election, a certified copy of the order, as it appears on the order-book, within five days after it is made; and it shall be the duty of the sheriff or other officer to have said order published in some weekly or daily paper published in the county for at least thirty days prior to the election, and to advertise the same by written or printed handbills, posted in at least four conspicuous places in each voting precinct for the same length of time. All elections for this purpose being held at some regular election in November, the same officers that hold the regular elections shall hold this election, which shall, in all respects, be held in accordance with the provisions of the general election laws of this State, the question, "Are you in favor of toll gates on turnpikes and gravel roads?" being printed on the ballot as provided for in the general election law, section 1459, Kentucky Statutes.

§ 3. At the close of the polls the election officers in each precinct shall count votes for and against the proposition, and make certificates thereof, showing the number of votes cast for the proposition and the number cast against it, which certificates, each officer retaining a copy thereof, and all disputed ballots, if any, shall be returned to the county clerk with the other election returns. The county examining or canvassing board shall canvass the returns

at the same time and in the same way as the return for the regular are canvassed, and certify immediately, upon the completion of the canvass, the result, in writing, to the county judge, showing how many votes were cast for the proposition and how many against it in each precinct, and the total result in the county, each member of county board retaining a copy of said certificate. At the next regular term of the county court after receiving the same, the county judge shall have said certificate spread upon his order book.

§ 4. The county judge shall not make an order for election until the petitioners pay into court a sufficient amount of money to pay for the order, printing, advertising, and other necessary expenses.

§ 5. If it shall appear that a majority of all the votes cast for and against said proposition are in favor of said proposition, then the fiscal court may acquire, by gift, lease, purchase or contract, such sites and buildings as may be necessary for toll houses and cause to be erected on such part of the turnpike and gravel roads in the county and at the places where it will be most expedient, toll gates, and employ persons to keep same and collect toll on such roads at rates not greater than that fixed in section 4724, Kentucky Statutes, but such rates may be reduced at any time in the discretion of the fiscal court. And each person so employed by the court to keep such toll gates shall, before entering upon his duties, execute to the Commonwealth of Kentucky bond with one or more sureties to be approved by the county judge, and to the effect that he will faithfully discharge his duties as such toll gate keeper and turn over all moneys collected by him for tolls to the county treasurer or to some one designated by the court to receive such moneys at the end of each calendar month.

§ 6. It shall be the duty of the fiscal court to appropriate to each road on which toll is collected all the money collected thereon and cause same to be expended in keeping said road in repair.

§ 7. Whereas, in a large number of counties in this Commonwealth in which turnpike roads are maintained wholly or in part by taxation, there are no funds in the county treasuries to keep

same in repair, an emergency is declared to exist, and this act shall take effect immediately upon its approval by the Governor.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | Thomas Drewry, | Chris Mueller, |
| W. G. Baxter, | Robert Enlow, | J. M. Mitchell, |
| B. O. Becker, | J. A. Frazier, | M. M. Redwine, |
| Peter Best, Jr., | Taylor P. Gabbard, | J. T. Scott, |
| Joe F. Bosworth, | W. J. Gooch, | R. C. Simmons, |
| H. Kirby Bourne, | John C. Griffith, | T. J. Slaton, |
| J. C. Byland, | Paul Gullion, | Emmet P. Slattery, |
| N. B. Chipman, | James A. Hagan, | John A. Stevens, |
| Bennett Clarke, | W. C. Halbert, | C. F. Thornton, |
| J. W. Clay, | Albert Hamilton, | T. A. Weldon, |
| W. D. Claybrooke, | Wm. F. Klair, | John B. Wicker, |
| Sam. D. Cochran, | Geo. D. Litsey, | Munnell Wilson, |
| W. H. Cole, | Henry C. Miller, | Wm. Wilt, |
| Lawrence J. Diskin, | R. W. Miller, | Will A. Young—42. |

Those who voted in the negative were—

| | | |
|---|---|---|
| John Barr, | James S. Morris, | George W. Stone, |
| E. Barry, | W. J. Osborne, | C. C. Terry, |
| Charles I. Dawson, | C. M. Paynter, | A. J. Thompson, |
| A. J. Gorham, | John R. Ray, | W. T. White, |
| J. A. Hamon, | J. M. Robertson, | Geo. S. Wilson, |
| L. P. Head, | J. T. Royalty, | J. T. Wilson, |
| W. J. Jackson, | W. H. Southall, | W. T. Wright, |
| L. F. Johnson, | Hub L. Stevens, | J. A. Yates—36. |
| V. W. Morris, | Zeb. A. Stewart, | |

Resolved, That the title of said bill be as aforesaid.

The House took up for consideration from the orders of the day a bill, entitled

S. B. 224. An act providing for the appointment of a minister of the Gospel as chaplain for the jails in cities of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Within ten days after this act becomes a law, the county judge for each county in which there shall be a city of the first class shall appoint a regularly authorized minister of the Gospel as chaplain for the jail in said city, who shall hold his office for a term of four years and until his successor shall be approved and qualified, provided he be not removed by the county for cause, whose duty it shall be to give proper religious instruction and comfort to the prisoners detained in such jail, to visit those who are sick or despondent, and to use his best efforts to promote the religious and moral welfare of the prisoners, as well as the harmony and general interest of the jail.

§ 2. It shall be the duty of the chaplain to hold himself in readiness, at all proper times, subject to the rules of the jailer, to give spiritual instruction or comfort to any prisoner in the jail who may wish to receive the same.

Said chaplain shall hold, unless sick or temporarily excused for good cause from the performance of his duties by the jailer, on each Sunday, religious services in the jail for the benefit of those who may be detained therein.

§ 3. No person shall be appointed chaplain who is not a regularly authorized minister of the Gospel and recommended to the county judge for the position of chaplain by the Ministerial Association in the city in which the jail is located; or if there be no such association in said city, then the county judge may appoint a chaplain upon the recommendation of at least ten regularly au-

thorized ministers of the Gospel dwelling in said city of the first class.

§ 4. The chaplain shall perform his duties subject to the necessary and proper rules established by the jailer for the control of the prisoners and inmates of the jail.

§ 5. The salary of the chaplain shall be four hundred dollars ($400) a year, payable in equal monthly installments. Said salary shall be paid by the county in which the jail is located on the order of the fiscal court.

§ 6. The county judge of the county in which the chaplain is appointed may, for sufficient cause, remove the chaplain, but the cause for said removal shall be stated in writing.

§ 7. Because of the necessity of having a chaplain to look after the spiritual welfare and comfort of the prisoners in the jail, an emergency is declared to exist and this act shall take effect immediately upon its passage.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | W. J. Gooch, | C. M. Paynter, |
| Louis W. Arnett, | A. J. Gorham, | M. M. Redwine, |
| John Barr, | John C. Griffith, | J. M. Robertson, |
| W. G. Baxter, | Paul Gullion, | J. T. Royalty, |
| Charles C. Beard, | James A. Hagan, | S. M. Russell, |
| Peter Best, Jr., | Albert Hamilton, | J. T. Scott, |
| Joe F. Bosworth, | J. A. Hamon, | Eminet P. Slattery, |
| H. Kirby Bourne, | C. W. G. Hannah, | Hub L. Stevens, |
| J. C. Byland, | L. P. Head, | John A. Stevens, |
| W. T. Cain, | D. C. Hopper, | Zeb. A. Stewart, |

| | | |
|---|---|---|
| M. F. Campbell, | W. J. Jackson, | George W. Stone. |
| J. W. Clay, | L. F. Johnson, | C. C. Terry, |
| W. D. Claybrooke, | W. H. Jones, | C. F. Thornton, |
| W. H. Cole, | Geo. D. Litsey, | T. A. Weldon, |
| Ed. Croan, | Henry C. Miller, | John B. Wicker, |
| A. L. Denny, | R. W. Miller, | Geo. S. Wilson, |
| Lawrence J. Diskin, | Chris Mueller, | Munnell Wilson, |
| Thomas Drewry, | J. M. Mitchell, | J. Hal Woodford, |
| W. Reed Embry, | V. W. Morris, | W. T. Wright, |
| J. A. Frazier, | James S. Morris, | James C. Yaden, |
| M. T. Freeman, | Ed. Mulcahy, | J. A. Yates, |
| Taylor P. Gabbard, | Ion B. Nall, | Will A. Young—68. |
| Lloyd W. Gates, | W. J. Osborne, | |

In the negative—A. J. Thompson.

Resolved, That the title of said bill be as aforesaid.

Mr. Drewry moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill, entitled

S. B. 217. An act providing for the appointment by the Governor of this Commonwealth of three delegates to formulate a law to be presented to the Legislature, concerning the regulation and control of pools, trusts and combinations in restraint of trade, and to invite the co-operation of the Governors of other States of the United States to appoint like commissions, and providing for the assembling and working of such delegates, and for the defraying of the expenses incident to carrying out of this act.

Mr. Alverson moved that the further consideration of said bill be postponed indefinitely.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill, entitled

S. B. 63. An act providing for the extension of the boundaries of graded common school districts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any graded common school district organized and existing under any special act of the Legislature and any such district that has been or may be hereafter organized under the general laws of this State, may, by and with the written consent of a majority of the legal voters in the territory to be added, extend the limits of such district so as to include such additional territory as the board of education or trustees of such district may desire to take within the limits and add to such district.

§ 2. Whenever any additional territory shall be added to any graded common school district, as provided by section 1 of this act, the school superintendent of the county shall make such changes in the common school district or districts affected thereby as he may deem proper to accommodate the pupils of such common school districts.

§ 3. If the territory added to any graded common school district, as provided by this act, shall include any common school house and grounds, the title thereto shall vest in the board of education or trustees of such graded common school district, who shall have the same right to either utilize the same for school purposes or sell and convey same at such price as they may determine, and use the proceeds for school purposes in said district: Provided, however, If the taking of such school house and grounds into such graded common school district shall necessitate the building of another house for any common school district affected by taking the same, the graded common school district taking such property shall pay to the common school district in which such new house is to be built the proportion of the value of the house and grounds taken as the pupils left in the common school district affected bears

to the whole number of pupils in such district at the time such change is made.

§ 4. Whenever a change shall be made in the boundary of any graded common school district as provided by this act, the board of education or trustees of such district shall have the right to fix a date after such change shall have been determined upon when such change shall take effect, and until that time the government of the schools affected thereby shall remain the same as before and in the meantime such boards of education or trustees and the county school superintendent shall have the right to make all necessary provision for the accommodation of the pupils who will be affected by such change at the time it takes effect.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Charles C. Beard, | John C. Griffith, | J. T. Scott, |
| B. O. Becker, | Paul Gullion, | R. C. Simmons, |
| Joe F. Bosworth, | W. C. Halbert, | Emmet P. Slattery, |
| W. T. Cain, | Albert Hamilton, | W. W. Smith, |
| M. F. Campbell, | C. W. G. Hannah, | George W. Stone, |
| Bennett Clarke, | L. P. Head, | C. F. Thornton, |
| H. K. Cole, | D. C. Hopper, | Harry Weitkamp, |
| W. H. Cole, | W. H. Jones, | T. A. Weldon, |
| Ed. Croan, | Henry C. Miller, | W. T. White, |
| Charles I. Dawson, | J. M. Mitchell, | John B. Wicker, |
| A. L. Denny, | V. W. Morris, | J. T. Wilson, |
| Lawrence J. Diskin, | Henry G. Overstreet | Munnell Wilson, |
| M. T. Freeman, | M. M. Redwine, | W. T. Wright, |
| Taylor P. Gabbard, | Richard S. Rose, | James C. Yaden, |
| W. J. Gooch, | S. M. Russell, | J. A. Yates—45. |

Those who voted in the negative were—

| | | |
|---|---|---|
| J. M. Alverson, | J. A. Hamon, | C. M. Paynter, |
| John Barr, | W. J. Jackson, | J. T. Royalty, |
| W. G. Baxter, | L. F. Johnson, | Ed. H. Shellman, |
| Peter Best, Jr., | Wm. F. Klair | W. H. Southall, |
| H. Kirby Bourne, | H. M. McCarty, | John A. Stevens, |
| J. C. Byland, | M. H. McLean, | Zeb. A. Stewart, |
| N. B. Chipman, | James S. Morris, | C. C. Terry, |
| Sam. D. Cochran, | Ed. Mulcahy, | A. J. Thompson, |
| A. J. Gorham, | Ion B. Nall, | Geo. S. Wilson, |
| James A. Hagan, | W. J. Osborne, | Hal J. Woodford—30. |

Resolved, That the title of said bill be as aforesaid.

Mr. ——— moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

S. B. 91. An act to amend and re-enact subsection 2 of section 1 of article 4 of an act, entitled "An act for the government of cities of the second class in the Commonwealth of Kentucky," approved March 19, 1894. Said section being subsection 2 of section 3058, Kentucky Statutes 1903.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That subsection 2 of section 1 of article 4 of an act, entitled "An act for the government of cities of the second class in the Commonwealth of Kentucky," approved March 19, 1894, said subsection being subsection 2 of section 3058 of the Kentucky Statutes 1903, be, and is hereby, amended and re-enacted, so that the same shall read as follows: "Second. To license, tax and regulate undertakers, auctioneers, grocers, merchants, bakers, dealers in,

vendors and deliverers of breadstuffs, retailers, hotels, inns, innkeepers, coffee-houses, saloons or wholesalers of spirituous, vinous or malt liquors, boarding houses, tenement houses, office buildings, public buildings, public sales, public grounds, concerts, photographers, artists, agents, posters, runners, drummers, plumbers, public lecturers, public meetings and shows, real estate agents and brokers, financial agents and brokers, commission merchants, house agents, lightning rod agents, rental agents, claim agents, sewing machine agents and solicitors for nurseries, sewing machine companies, brewers' agents, advertising agents, loan and brokerage companies, merchandise brokers, produce brokers, railroad ticket brokers, amusement ticket brokers, lumber brokers, bill posters, junk dealers, second-hand dealers, coal dealers, ice dealers, ice cream dealers, milk dealers, grain elevators, cycloramas, panoramas, skating rinks, storage and transfer houses, nurserymen, pedestrian exhibitions, wrestling exhibitions, private detectives, private detective agencies, horse and cattle dealers, patent right dealers, inspectors and gaugers, stockyard and wagonyard proprietors, laundries, examiners of titles, conveyances, mercantile agents, insurance companies, lawyers, physicians, insurance agents, brokers, bankers, banking and other corporations and institutions, telegraph, telephone and district messenger companies or corporations or institutions, street railroad companies or corporations, livery, board, feed and sale stables, hansoms, cabs, hackney coaches, carriages, barouches, buggies, wagons, omnibuses, carts, drays, job wagons, and all other vehicles plying the streets, lenders of money on chattels or chattel mortgages, and regulate the width of the tires of all vehicles for heavy transportation; to license, tax, regulate or suppress ordinaries, hawkers, hucksters, peddlers, auction houses and the keepers and occupants thereof, brokers, pawnbrokers, money changers, intelligence and employment offices and the keepers and occupants thereof, public masquerade balls, street exhibitions, dance-houses, fortune-tellers, clairvoyants, pistol-galleries, itinerant doctors and doctoresses, corn doctors, private and venereal hospitals, museums and menageries, magnifying glasses for use of which charge is made,

billiard tables, pool tables, other tables and instruments used for public amusements, circuses, operatic, theatrical and other exhibitions, shows and amusement saloons, coffee-houses, tippling-houses, beer-houses, dram-shops, money brokers, equestrian performances, horoscopic views, lung-testers, muscle-developers, pin-alleys, ball-alleys, shooting-galleries, and to suppress bawdy and disorderly houses, houses of ill fame and assignation, prize-fights, coon-fighting, dog-fighting, cock-fighting, chicken-fighting, gaming and gambling houses, and to destroy instruments of gaming; to provide for and enforce the registration of birth, marriages and deaths; to prohibit sale, distribution or giving away, directly or indirectly, of lottery tickets and notices, circulars and advertisements of lotteries and lottery drawings, and to suppress places where lottery tickets, notices, circulars and advertisements of lotteries and lottery drawings are kept, sold or distributed or given away; to license, tax and regulate all occupations, professions and trades not heretofore enumerated, of whatsoever name or character; to license, tax and regulate hackmen, draymen, omnibus drivers, porters, and all others pursuing like occupations, with or without vehicles, and to license, tax, restrain or prohibit runners for cars, stages, hotels and public houses.

§ 2. This act shall take effect as provided by law.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | A. J. Gorham, | M. M. Redwine, |
| Louis W. Arnett, | John C. Griffith, | J. M. Robertson, |
| John Barr, | Paul Gullion, | J. T. Royalty, |

| | | |
|---|---|---|
| W. G. Baxter, | James A. Hagan, | S. M. Russell, |
| B. O. Becker, | W. C. Halbert, | J. T. Scott, |
| Joe F. Bosworth, | Albert Hamilton, | T. J. Slaton, |
| H. Kirby Bourne, | J. A. Hamon, | W. H. Southall, |
| J. C. Byland, | C. W. G. Hannah, | Hub L. Stevens, |
| M. F. Campbell, | L. P. Head, | Zeb. A. Stewart, |
| J. W. Clay, | D. C. Hopper, | George W. Stone, |
| Sam. D. Cochran, | W. H. Jones, | C. C. Terry, |
| H. K. Cole, | Wm. F. Klair, | C. F. Thornton, |
| Henry M. Cox, | Geo. D. Litsey, | Harry Weitkamp, |
| Charles I. Dawson, | H. M. McCarty, | T. A. Weldon, |
| A. L. Denny, | M. H. McLean, | W. T. White, |
| Lawrence J. Diskin, | Chris Mueller, | John B. Wicker, |
| Thomas Drewry, | J. M. Mitchell, | Geo. S. Wilson, |
| W. Reed Embry, | James S. Morris, | Munnell Wilson, |
| J. A. Frazier, | Ed. Mulcahy, | W. T. Wright, |
| Taylor P. Gabbard, | Ion B. Nall, | James C. Yaden, |
| Lloyd W. Gates, | W. J. Osborne, | J. A. Yates—64. |
| W. J. Gooch, | | |

Those who voted in the negative were—

| | | |
|---|---|---|
| W. T. Cain, | Henry G. Overstreet, | John A. Stevens, |
| W. H. Cole, | John R. Ray, | J. T. Wilson—8. |
| W. J. Jackson, | Richard S. Rose. | |

Resolved, That the title of said bill be as aforesaid.

Mr. Arnett moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill, entitled

S. B. 275. An act authorizing the board of directors of banks and trust companies carrying on business in this State to fix the hours of opening and closing for business.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of directors of each of the banks and trust companies doing business in this State shall have full power and authority to fix the hours of opening and closing of said banks or trust companies, and may provide that on Saturday of each week such hour of closing be as early as twelve (12) o'clock noon.

§ 2. This act shall take effect on its passage.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

J. M. Alverson,
Louis W. Arnett,
John Barr,
Charles C. Beard,
B. O. Becker,
Peter Best, Jr.,
J. C. Byland,
W. T. Cain,
M. F. Campbell,
Bennett Clarke,
W. D. Claybrooke,
Sam. D. Cochran,
W. H. Cole,
Ed. Croan,
Charles I. Dawson,
Thomas Drewry,
M. T. Freeman,
Taylor P. Gabbard,
W. J. Gooch,
A. J. Gorham,
John C. Griffith,
James A. Hagan,
Albert Hamilton,
D. C. Hopper,
Geo. D. Litsey,
M. H. McLean,
Henry C. Miller,
J. M. Mitchell,
James S. Morris,
Ion B. Nall,
W. J. Osborne,
C. M. Paynter,
M. M. Redwine,
Richard S. Rose,
J. T. Royalty,
S. M. Russell,
J. T. Scott,
Ed. H. Shellman,
W. W. Smith,
W. H. Southall,
John A. Stevens,
T. A. Weldon,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson—47.

Those who voted in the negative were—

| | | |
|---|---|---|
| Lawrence J. Diskin, | W. H. Jones, | C. F. Thornton, |
| J. A. Hamon, | V. W. Morris, | James C. Yaden, |
| L. P. Head, | John R. Ray, | J. A. Yates—11. |
| W. J. Jackson, | R. C. Simmons, | |

Resolved, That the title of said bill be as aforesaid.

Mr. Arnett moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill, entitled

S. B. 244. An act to regulate burial associations, corporations and companies doing business in the State of Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That every corporation, association, company or individual known as burial corporations, associations or companies engaged in this State in the business of insuring or guaranteeing burial or burial expenses of persons holding certificates, bonds, guarantees or policies therein, shall, before commencing such business, or further continuing therein, execute articles of incorporation as now required by law and file same in the office of the Insurance Commissioner of this State; but, before the same shall be filed, it shall be referred to, and examined by, the Attorney General, and if found by him to be conformable to the requirements of law and not inconsistent with the laws of this State, he shall certify accordingly and return same, with his certificate of such conformity, to the Insurance Commissioner, who shall cause said articles, with the certificate of the Attorney General, to be recorded in a book to be kept for that purpose, and shall deliver to such corporations, associations and companies certified copies of papers so filed and re-

corded in his office, and all certificates of the Attorney General, together with license of said corporations, associations and societies to engage in the business proposed in said declaration; and, upon such certified copy and license being filed in the office of the clerk of the county wherein the association is to be located, said corporators and those who may thereafter become associated with them, or their successors, shall be constituted a body politic or corporate and lawfully entitled to commence business.

§ 2. Provided, further, That said corporations, associations and societies shall deposit with the Treasurer of this Commonwealth double the amount of the maximum certificates issued by such corporations, associations and societies. Such funds shall be invested in securities in which insurance companies are allowed by law to invest their capital, same to be deposited in trust with the Treasurer of this Commonwealth; but the corporation shall have at all times, on approval of the Insurance Commissioner, the right to exchange any part of such securities for others of like amounts or character. In addition thereto, such corporations shall execute bond payable to the Commonwealth of Kentucky, with good and sufficient security, in the sum of $3,000, to be approved by the Commissioner of Insurance and recorded in his office. Such bonds shall be for the benefit of any policyholder or any other person that may have a claim against such corporations, associations or companies.

When any such corporation, association or company shall discontinue business, any circuit judge may appoint a receiver to distribute its assets among its policyholders or any persons having claims against said corporation, association or company; the same to be applied first on accrued claims, certificates, or policies, and if said sum is insufficient, the court shall direct the receiver to collect bond hereinbefore provided for and prorate same to pay the claims, certificates or policies, and if a balance remains after the payment of above named claims, then such sum is to be returned to said corporation, association or company.

§ 3. Such corporations, associations or companies desiring to

do business in this State shall file with the Insurance Commissioner like power of attorney as is now required of insurance companies, designating the Insurance Commissioner as proper person upon whom process may be served.

§ 4. All such corporations, associations or companies doing business contemplated by this act shall pay an annual license tax of $100.00 to the State of Kentucky; such tax to be paid through the insurance department as license tax is now paid by insurance companies; and, in addition thereto, such corporations, associations or companies shall pay the same fees as assessment life insurance companies are now required to pay to organize in this State.

§ 5. All such corporations, associations or companies shall on, or before the first day of March in each year, make and file with the Insurance Commissioner report of the affairs and operations during the year ending December 31st immediately preceding. Such reports shall be upon blank forms furnished by the commissioner and shall be verified under oath by the authorized officers of such corporations, associations and companies, and report shall be published or substance thereof, in the annual report of the Insurance Commissioner, and shall report the number of outstanding policies, bonds, certificates and policies, also the number of matured policies, bonds, certificates and policies, and shall also report to said commissioner all other information connected with their business as said commissioner may require. Said commissioner shall have the right to make any examination of the books or affairs of such corporations as is now given by law to the Insurance Commissioner in the examination of insurance companies in this State.

§ 6. All corporations, associations and companies which shall fail to comply with the provisions of this act before commencing business contemplated by its provisions or which having now organized for such business shall continue in the same without complying with the provisions of this act, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in a sum not less than $100 and not more than $500, to be recovered by indictment in the Franklin circuit court.

If upon examination of such corporations, companies or associations by the commissioner or any person designated by him to maks such examination it shall appear that the liabilities of said corporation exceed its resources, and can not in a reasonable time, not more than three months from the date of the original default, pay its accrued indebtedness in full, he shall report the facts to the Attorney General, who shall, upon the commissioner's report, apply to the judge of the Franklin circuit court, or to the judge of the circuit court of the county wherein such corporation is located, for an order closing the business of the corporation, and appointing a receiver for the distribution of its assets among creditors. No such final order shall be made until the corporation shall have ten days' notice of the application and an opportunity to be heard. And, upon hearing the matter, the court shall have power to make any order which the interest of the corporation and the public may require.

§ 7. All policies, certificates or bonds hereafter issued to persons within the Commonwealth by corporations transacting business under this law, which policies or certificates contain any reference to the application of the insured or the constitution, by-laws or other rules of the corporation, either as forming a part of the policy or contract between the parties thereto or having any bearing on said contract, shall contain or have attached to said policy or certificate a correct copy of the application as signed by the applicant, and the portions of the constitution, by-laws or other rules referred to; and unless so attached and accompanying the policy, no such application, constitution, by-laws or other rules shall be received as evidence in any controversy between the parties to or interested in said policy or certificate, and shall not be considered a part of the policy or contract between such parties.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | John C. Griffith, | J. T. Royalty, |
| Louis W. Arnett, | Paul Gullion, | S. M. Russell, |
| John Barr, | James A. Hagan, | R. C. Simmons, |
| B. O. Becker, | Albert Hamilton, | W. W. Smith, |
| Joe F. Bosworth, | J. A. Hamon, | W. H. Southall, |
| H. Kirby Bourne, | C. W. G. Hannah, | John A. Stevens, |
| J. C. Byland, | L. P. Head, | Zeb. A. Stewart, |
| W. T. Cain, | L. F. Johnson, | George W. Stone, |
| [illegible] F. Campbell, | W. H. Jones, | C. C. Terry, |
| N. B. Chipman, | Wm. F. Klair, | C. F. Thornton, |
| Bennett Clarke, | Geo. D. Litsey, | Harry Weitkamp, |
| W. D. Claybrooke, | H. M. McCarty, | T. A. Weldon, |
| W. H. Cole, | Henry C. Miller, | W. T. White, |
| Ed. Croan, | J. M. Mitchell, | John B. Wicker, |
| Lawrence J. Diskin, | James S. Morris, | Geo. S. Wilson, |
| W. Reed Embry, | Ed. Mulcahy, | J. T. Wilson, |
| Robert Enlow, | Ion B. Nall, | Munnell Wilson, |
| J. A. Frazier, | Henry G. Overstreet, | J. Hal Woodford, |
| Taylor P. Gabbard, | M. M. Redwine, | W. T. Wright, |
| Lloyd W. Gates, | J. M. Robertson, | Jas C. Yaden—62. |
| A. J. Gorham, | Richard S. Rose, | |

Those who voted in the negative were—

| | | |
|---|---|---|
| H. K. Cole, | R. W. Miller, | John R. Ray, |
| Henry M. Cox, | V. W. Morris, | J. A. Yates—8. |
| M. T. Freeman, | W. J. Osborne, | |

Resolved, That the title of said bill be as aforesaid.

Mr. ——— moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

A message was received from the Senate announcing that they

had passed bills which originated in the House, of the following titles, viz.:

H. B. 40. An act regulating the testing, grading, weighing, milling, selling and purchase of wheat.

H. B. 247. An act to provide for the punishment of persons responsible for, or directly promoting, or contributing to the conditions that render a child dependent, neglected or delinquent.

H. B. 248. An act fixing and defining the powers of the several county courts within this Commonwealth, with reference to the care, treatment and control of delinquent, neglected and dependent children and providing for the means whereby such powers may be exercised.

H. B. 300. An act to make it unlawful to present plays in this Commonwealth.

H. B. 390. An act concerning domestic life insurance companies.

H. B. 450. An act to amend section 612a, of the Kentucky Statutes, relative to banks and trust companies and to re-enact the same as amended.

H. B. 488. An act to amend an act, entitled "An act to assign the cities and towns of this Commonwealth to the class to which they belong.

H. B. 1. An act relating to revenue and taxation.

With sundry amendments to the last named bill.

And then the House adjourned until 7:45 o'clock to-night.

## NIGHT SESSION.

At 7:45 o'clock the House met pursuant to adjournment.

Mr. Gooch called up for consideration from the clerk's desk a bill entitled

H. B. 1. An act relating to revenue and taxation.

Together with the various amendments proposed thereto by the Senate.

(For bill, see House Journal of March 1st.)

The various amendments as proposed thereto by the Senate are as follows, viz.:

No. 1.

Amend article 1 by striking out section 16 and substituting in lieu thereof the following:

"Whereas, two or more persons own land which has been assessed as one tract, any one or more of them, after partition of the same, and upon ten days' notice to the other owners, may make application to the county court of said county for an apportionment of the assessment, and the said court is hereby authorized to apportion the assessment among the owners according to the value of their respective interests, as shown by the proof introduced by them. If the delinquent taxes are due on said land, any one or more of said owners may have his portion released therefrom by paying to the officers to whom such delinquent taxes are payable his prorata share thereof, as ascertained by the judgment of apportionment, and said judgment shall be final unless an appeal therefrom to the circuit court, which is hereby given appellate jurisdiction, be prosecuted within sixty days from the rendition of the same.

No. 2.

Amend section 20, line 10, therein, of article 1, by striking out the words "August" and "September," and substitute in lieu thereof the words "September" and "October."

No. 3.

Amend by adding the following to the miscellany in the tax sched-

ule after the words "legal voter," line 79: "Served in Federal or Confederate army; full name."

No. 4.

Amend by adding after the word "corporations," in line 11, on page 16, the words "not exempt by law."

No. 5.

Strike out item 49 in schedule, page 18, and insert in lieu thereof the following: "Number of wagons, carriages, automobiles, bicycles and vehicles of every kind and the value of each separately."

No. 6.

Amend line 2 of section 35 of article 2 by striking out the word "thirty-one" and substitute in lieu thereof the word "thirty-four."

No. 7.

Amend by striking out section 10 of article 2 on page 10, and insert in lieu thereof the following: "Each county clerk shall, on or before the first day of September of each year, make and certify to the various county assessors, as hereinafter provided, complete statements of all purchase money notes, mortgages, notes and other obligations for money due or to be paid, as shown by the conveyances, mortgages and liens in his office. Said statement shall distinctly show the dates of execution and maturity of such notes or other evidences of indebtedness, the consideration therefor, the date of filing or recording same, the amount thereof, and the county of the residence of the owner, payee, beneficial holder thereof, or other person or corporation liable for taxes thereon. Said statement shall be made to each county assessor of the State of such notes or other evidences of indebtedness as may be owned or held by persons or corporations residing or having their principal place of business in the county of such assessor. No mortgage conveyance or writing constituting a lien or other security for any note or other evidence of indebtedness shall be received for record by

any county clerk of this Commonwealth unless such mortgage, conveyance or other writing give the county and State of the residence and postoffice address of the person or corporation owning or holding said note or other evidence of indebtedness or liable for the payment of taxes thereon. Should there be an assignment of such note or other evidence of indebtedness, of record in the clerk's office, the assignment shall state the county and State of the residence and postoffice address of the assignee. Unless any assignment is made of record the original holder or owner shall be liable for taxes as though no assignment has been made. Any person who shall knowingly and intentionally give a false or fictitious address or name in any such instrument or assignment as above mentioned, shall be guilty of a misdemeanor, and shall, upon conviction, be fined not less than ten dollars nor more than one thousand dollars.

Each statement made by the county clerk, as herein required, shall cover a period of one year next prior to the date such statement is required to be made: Provided, That the first statement to each county assessor made hereunder shall cover a period of at least five years prior to the time such statement is made. Said statements shall be sworn to by the clerk before some person authorized to administer oaths, as a full and complete statement of such facts. For his services in making such statements the clerk shall be paid a reasonable compensation by the fiscal court of his respective county. Said statement shall be returned by the various assessors with their tax books, schedules and lists of conveyances to the county clerks of their respective counties for the use of the boards of supervisors. Any county clerk failing to perform his duties under this section shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, to be recovered by warrant or indictment. Nothing herein shall be construed to affect the validity of any instrument or assignment heretofore made.

No. 8.

Amend schedule by striking out line 51 thereof.

No. 9.

Amend section 2 of article 4, subdivision 1, by striking out the following: "Except banks and trust companies, whose statements shall be filed as hereinafter required by section 1 of subdivision 2 of this article.

No. 10.

Amend fourth line of section 2 of same article and subdivision by striking out the words "fifteenth" and "September" and substitute in lieu thereof the words "thirtieth" and "June."

No. 11.

Amend section 2 of article 4, subdivision 1, page 38, by striking out the words "fifteenth of September," in line 14 of said section, and inserting in lieu thereof the words "thirtieth of June."

No. 12.

Amend section 2 of article 4, subdivision 1, page 39, by striking out the words "fifteenth of September," in line 20 of said section, and inserting in lieu thereof the words "thirtieth of June."

No. 13.

Amend section 3 of article 4, subdivision 1, page 39, by striking out the words "fifteenth of September," in lines 15 and 16 in said section, and inserting in lieu thereof the words "thirtieth of June."

No. 14.

Amend section 4 of article 4, subdivision 1, page 40, by striking out the words "fifteenth of September," in line 8 of said section, and inserting in lieu thereof the words "thirtieth of June."

No. 15.

Amend line 20 of section 15 of article 4, subdivision 1, by adding the words "or other tax" between the words "franchise" and "tax."

No. 16.

Amend subdivision 2, page 45, by inserting after the word "final," in line 14, these words—"and the same shall be certified to the county clerks of each county in this State and filed as a record of this office.

No. 17.

Amend subdivision 2, section 3, page 45, line 1, by inserting after the word "auditor," and before the word "and," the word "treasurer."

No. 18.

Section 5, act 4, line 19, strike out the words "one per cent.," insert the words "(the proper proportions) and not less than one per cent."

No. 19.

Amend by adding after the word "therein," in line 15 of section 4, subdivision 2, article 4, the following words: "In assessing the shares of banks for county purposes the assessor shall make the return upon a separate blank, and shall not be included in the recapitulation sheet made by the county clerk and furnished to the auditor, but shall be returned to the county board of supervisors."

No. 20.

Amend line 6 of section 1 of article 4, subdivision 3, by striking out the word "August" and inserting in lieu thereof the word "September."

No. 21.

Amend line 4 of section 2 of article 4, subdivision 3, by striking out the word "August" and inserting in lieu thereof the word "September."

No. 22.

Amend line 1 of section 1 of article 4, subdivision 4, by striking

out "all" and inserting in lieu thereof the word "each," and change the word "companies" to "company" in said line.

No. 23.

Amend lines 9 and 10 of same section by striking out the words "August" and "September" and inserting in lieu thereof the words "September" and "October."

No. 24.

Amend section 3 of article 5, subdivision 1, page 50, by striking out of line 2 of said section the words "first day of October," and inserting in lieu thereof the words "fifteenth day of August."

No. 25.

Amend article 6, section 8, line 2, page 56, by striking out the word "ten" and insert in lieu thereof the word "fifteen."

No. 26.

Amend article 2, section 3, line 2, as follows: Insert in lieu of the words "forty cents" the words "thirty cents."

No. 27.

Amend line 10, section 3 of article 2, by striking out the word "article" and inserting in lieu thereof the word "section."

No. 28.

Amend section lines 4 and 5, in section 4, article 2, by striking out the words "fifteenth" and "January" and substitute in lieu thereof the words "first" and "February."

No. 29.

Amend section 7, line 4 of article 2 by striking out the words "January 15th" and substituting in lieu thereof the words "February 1st."

No. 30.

Amend section 9, page 99, as follows: In line 1 strike out the word "by" and insert in lieu thereof the words "or rights to."

Strike out the word "by" in line 5 and insert the words "or rights made with."

Insert in line 6, after the word "article," the words "or rights."

Add to said article the words "except as against said peddler."

No. 31.

Amend by striking from line 18, page 95, the words "and in towns of the sixth class."

No. 32.

Amend line 2 of section 1 of article 12, subdivision 4, by striking out the figure "11" and inserting in lieu thereof "12."

No. 33.

Amend subdivision 4 of article 12 by striking out in line 26, on page 100, the words "$500.00," and inserting in lieu thereof the words "$10.00."

Amend line 18 of subdivision 4 of article 12 by striking out "1902" and substituting "1906" therefor.

No. 34.

Amend lines 91 and 92, page 102, by striking out the words "one hundred dollars" and insert in lieu thereof the words "twenty-five dollars."

No. 35.

Strike out the word "and" in line 55 and the word "fifty" in line 56 of subdivision 1 of article 12.

No. 36.

Page 103, strike out line 135 and line 136.

No. 37.

Amend page 104, line 144, under "Bill Posters," after the word "merchants," by adding the words "county fair association."

No. 38.

Page 105, line 198, amend by adding after the words $10.00" the following words—"and each foreign laundry doing business in this State shall pay a license of $10.00."

No. 39.

Amend article 12, subdivision 4, page 105, by inserting after line 198 "loan companies and each corporation, association, firm or person who loan money upon salaries or household furniture, $200.00."

No. 40.

Strike out of line 210, page 106, the words "in each county."

No. 41.

Amend article 12, subdivision 4, line 204, page 106, by striking out the word "five" and insert the word "fifty."

No. 42.

Amend line 222, page 106, by striking out the word "five" and inserting in lieu thereof the word "ten."

No. 43.

Amend by adding after the word "cents," in line 236, the words "on each person or firm selling proprietary or soft drinks, natural or mineral waters not from a fountain, two dollars and fifty cents."

No. 44.

Amend article 12, subdivision 4, by adding the following words, "That all corporations, companies, associations, co-partnerships or individuals engaged in the business of a broker or commission merchant selling straight whiskies who do not handle the same shall

annually pay a license tax therefor to the State," after the word "therefor," in line 274, on page 109.

No. 45.

Amend subdivision 4, article 12, by adding between lines 335 and 336, on page 110, the following words, "for each broker or commission merchant selling straight whisky and who do not handle the same, $100.00."

No. 46.

Amend by striking out of section 2, line 5, on page 118, the words "one thousand dollars" and insert in lieu therof the words "not less than one hundred dollars nor more than five hundred dollars."

No. 47.

After the word "State," in line 15, on page 115, add the words "or out of this State on business done in this State."

No. 48.

Amend by inserting in line 12, page 119, of section 4, subdivision 6, of article 13, after the word "all" the word "net." Also insert said word "net" after the word "of," in line 16 of said section.

No. 49.

That article 12, subdivision 4, section 1, be amended by striking out lines 350, 351, 352, 353, 354 and 355 and inserting in lieu thereof the following: "Every corporation, association, company, co-partnership or individual engaged in this State in the business or occupation of compounding, rectifying, adulterating or blending distilled spirits known and designated as single stamped spirits shall pay an annual license tax to the Commonwealth of Kentucky based upon the number of wine gallons of such compounded, rectified, adulterated and blended distilled spirits produced by such corporation, association, company, co-partnership or individual for the year

ending June 30, 1906, and upon the same date of each year thereafter as follows:

"If the production be one hundred thousand wine gallons or less, five hundred dollars; if more than one hundred thousand and less than two hundred thousand gallons, seven hundred and fifty dollars; if two hundred thousand or more and less than three hundred thou- more and less than four hundred and fifty thousand gallons, twelve sand gallons, one thousand dollars; if three hundred thousand or hundred and fifty dollars; if four hundred and fifty thousand or more and less than six hunlred thousand gallons, one thousand five hundred dollars; if six hundred thousand gallons or more and less than seven hundred and fifty thousand gallons, one thousand seven hundred and fifty dollars; if seven hundred and fifty thousand gallons or more, two thousand dollars."

Amend article 12, subdivision 4, by striking therefrom all of the same, beginning with line 358 and ending with line 368, inclusive, and substituting therefor the following:

"It shall be the duty of each corporation, association, company, co-partnership or individual engaged in this State in the business or occupation of compounding, rectifying, adulterating or blending distilled spirits, known and designated as single stamp spirits, to make and deliver to the Auditor of Public Accounts on the 30th day of June, 1906, or within ten days thereafter, and at the end of each year thereafter a report sworn to, stating his name and place of business and the number of gallons of compounded, rectified, adulterated or blended distilled spirits known and designated as single stamp spirits made during the year then ended, and at the same time to pay into the State Treasury through the Auditor, the amount of taxes due the State as imposed by the last preceding section."

Amend article 12, subdivision 4, section 1, by adding at the end of line 379, after the word "act," the following: "And shall give to the Auditor a bond with surety to be approved by the Auditor that the license tax provided in this act shall be paid at the time provided herein and in accordance with the provision of this act."

And by inserting after the word "Treasurer," in line 390, the following words, "or upon the execution of the bond to the Auditor as herein provided."

And by striking from line 396 the following words, "of six months or."

No. 50.

Amend section 7, page 125, by striking from line 7 the first word "of" and insert in lieu thereof the word "after."

No. 51.

Amend by adding after the word "assessment," in the 7th line, on page 132, the words "when he is authorized in writing by the county attorney of the county so to do."

No. 52.

That article 17, section 4, be amended by adding after the word "filed," in line 16, the following words, "but no judgment by default or otherwise shall be rendered against such alleged owner unless the statement filed shall contain such a description of the property sought to be assessed as will enable the court to identify it."

No. 53.

Amend by adding after the word "effect," in line 23, on page 132, the words "and the officer instituting said proceeding shall be liable on his official bond to the defendant for all costs incurred by him in defending said proceeding, and this shall apply to all courts to which said proceedings are taken."

No. 54.

Amend by striking from line 15, section 6, page 134, the word "five" and insert in lieu thereof "fifteen."

No. 55.

Amend by striking out section 11 of article 17.

No. 56.

Amend article 17 by striking from said article the whole of section 13.

No. 57.

Amend article 19, section 1, page 143, by striking out of line 18 "two dollars and fifty cents," and inserting in lieu thereof "five dollars."

No. 58.

Amend section 1, line 24, page 144, by striking out "one thousand" and substituting in lieu thereof the words "five hundred."

No. 59.

Amend line 2 of section 15, on page 43, by striking out the words "except banks and trust companies."

Mr. Bourne moved that said amendments be taken up seriatim and considered separately.

Said motion was agreed to.

Amendments Nos. 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 34, 36, 37, 38, 40, 42, 43, 44, 45, 46, 47, 48, 50, 52, 53, 56, 57 and 59 were concurred in.

Amendments Nos. 7, 30, 33, 35, 39, 41, 49, 51, 54, 55 and 58 were disagreed to.

Mr. Alverson moved that the House do now adjourn until tomorrow morning at 9:00 o'clock.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, MARCH 13, 1906.

The House opened with prayer by the Rev. C. R. Hudson of the Christian Church.

The reading of the Journal of yesterday's proceedings was dispensed with and the same was approved.

Mr. Simmons offered the following resolution, viz.:

Whereas, The Frankfort Lodge of the B. P. O. E. has granted to the General Assembly the privilege of using its club house for the work of its committees and for the social enjoyment of its members; and,

Whereas, Said courtesy has greatly expedited the business of the General Assembly and has added in no slight degree to the enjoyment of the members thereof during their sojourn here; be it

Resolved, That the House of Representatives hereby expresses its appreciation and that of its constituents of the royal hospitality extended by aforesaid lodge; and be it further

Resolved, That a copy of this resolution be transmitted to said lodge.

Said resolution was agreed to.

Mr. Simmons offered the following resolution, viz.:

Resolved, That there be allowed to Leslie W. Morris the sum of $27.80, being the amount recommended by the special committee appointed to investigate the disappearance of House bill 333, to be paid by him for his services as stenographer and notary in taking depositions and transmitting testimony introduced before said committee, and the Auditor is hereby directed to draw his warrant upon the Treasurer for said sum of $27.80 to the order of said Leslie W. Morris, which sum is hereby declared to be a contingent expense of this House, said warrant to be drawn when a copy of this resolution is certified to him by the clerk of this House.

Said resolution was agreed to.

A message was received from the Senate announcing that they had refused to recede from amendments proposed by them to a bill, which originated in the House, entitled

H. B. 1. An act relating to revenue and taxation.

In which said amendments the House had refused to concur.

Mr. Klair moved that the House refuse to recede from its disagreement to said amendments.

Said motion was agreed to.

Mr. Klair moved that the Speaker be directed to appoint a committee of three members on the part of the House, and that the Senate be requested to appoint a like number of members from the Senate, the two committees to act as a committee of conference to take into consideration and settle the matters of disagreement between the two Houses relative to the above named bill.

Said motion was agreed to.

Thereupon, the Speaker appointed Messrs. Gooch, James S. Morris, and Redwine, as conferees on the part of the House.

Ordered, That the clerk announce said fact to the Senate.

Which was done.

A message was then received from the Senate announcing that they had complied with the request of the House and had appointed Messrs. Johnson, Lancaster and Linn, as conferees on the part of the Senate.

Mr. Drewry moved that the rules be suspended and that the House take up for consideration a bill, entitled

S. B. 60. An act to regulate the assignment of future earnings or unearned wages of employes.

And that said bill be made the special order of the day for ... day at eleven o'clock.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Drewry and Southall, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| E. Barry, | J. A. Frazier, | Henry G. Overstreet, |
| Charles C. Beard, | Taylor P. Gabbard, | C. M. Paynter, |
| B. O. Becker, | W. C. Halbert, | John R. Ray, |
| Roger P. Blair, | Albert Hamilton, | Richard S. Rose, |
| W. T. Cain, | C. W. G. Hannah, | J. T. Royalty, |
| N. B. Chipman, | W. J. Jackson, | Ed. H. Shellman, |
| Bennett Clarke, | W. H. Jones, | W. W. Smith, |
| H. K. Cole, | Virgil McKnight, | T. A. Weldon, |
| W. H. Cole, | R. W. Miller, | James C. Yaden—29. |
| Thomas Drewry, | V. W. Morris, | |

Those who voted in the negative were—

| | | |
|---|---|---|
| Louis W. Arnett, | Geo. D. Litsey, | Emmet P. Slattery, |
| Peter Best, Jr., | H. M. McCarty, | W. H. Southall, |
| Henry M. Cox, | M. H. McLean, | Hub L. Stevens, |
| Charles I. Dawson, | Henry C. Miller, | John A. Stevens, |
| Lawrence J. Diskin, | Chris Mueller, | Zeb. A. Stewart, |
| A. J. Gorham, | J. M. Mitchell, | C. C. Terry, |
| H. H. Griffin, | James S. Morris, | C. F. Thornton, |
| John C. Griffith, | W. J. Osborne, | Harry Weitkamp, |
| Paul Gullion, | M. M. Redwine, | W. T. White, |
| J. A. Hamon, | J. M. Robertson, | Geo. S. Wilson, |
| L. P. Head, | S. M. Russell, | Munnell Wilson, |
| D. C. Hopper, | J. T. Scott, | J. Hal Woodford, |
| L. F. Johnson, | R. C. Simmons, | W. T. Wright—41. |
| Wm. F. Klair, | T. J. Slaton, | |

A message was received from the Senate, announcing that they had concurred in resolutions and passed bills, which originated in the House of the following titles, viz.:

H. Res. 7. Resolution for payment to the widow of the late Hon. J. W. McCain the pay and per diem which he would have received for attending the last extra session had he lived.

H. Res. 8. Resolution for the benefit of John H. Stuart.

H. B. 64. An act relating to suffrage and election, by amending section 145 of the Constitution.

H. B. 256. An act to amend an act for the government of cities of the first class, approved July 1, 1893.

H. B. 305. An act to amend section 4300 of the Kentucky Statutes.

H. B. 446. An act to appropriate $2,500 to assist in erecting a tablet in Larue county to the memory of Abraham Lincoln.

H. B. 70. An act to amend section 3176, Kentucky Statutes.

H. B. 269. An act to amend section 964 of Kentucky Statutes.

H. B. 345. An act to amend section 20, article 4, of and act for the government of cities of the second class in the Commonwealth of Kentucky.

H. B. 429. An act to provide for the establishment and the maintenance in counties which contain a city of the first class of a hospital for the treatment of persons afflicted with tuberculosis.

H. B. 267. An act for the protection of English ring-neck, Mongolian and Chinese pheasants.

H. B. 402. An act to amend an act, entitled An act to establish a public school in Morganfield, in Union county, Kentucky, approved April 19, 1886.

H. B. 190. An act permitting defendants in civil suits for damages for assault or assault and battery to plead mitigating facts and circumstances as a defense to the claims for punitive damages and to introduce such facts and circumstances in evidence in mitigation of damages.

H. B. 143. An act to continue in force drainage systems established and operated by drainage corporations heretofore in any of the counties of Kentucky.

H. B. 135. An act to amend subsection 5, section 2412a, Kentucky Statutes.

H. B. 249. An act for the benefit of the Kentucky Historical Society, appropriating annually $5,000 therefor and providing for postage and stationery supplies for the society and providing for the publication of the Register Magazine of the society.

H. B. 114. An act to amend section 1846, Kentucky Statutes.

H. B. 368. An act to amend section 3637 of the Kentucky Statutes relating to the powers of the city council in cities of the fifth class.

H. B. 122. An act to amend section 1933, Kentucky Statutes, concerning proclamations of the Governor of rewards for fugitives from justice.

H. B. 250. An act appropriating money for industrial training for colored persons and for completing of girls' dormitory and providing water for ordinary use and fire protection at Kentucky Normal Industrial Institute.

H. B. 216. An act dividing the State into one hundred Representative Districts.

H. B. 425. An act to further regulate the revenue laws of counties, cities and towns, so as to carry into effect sections 157 and 180 of the present Constitution, and prescribing penalties for violating the same.

H. B. 125. An act appropriating funds for the improvement of the Feeble Minded Institute.

H. B. 149. An act to amend section 2627 of the Kentucky Stat-

utes, it being a portion of chapter 85 of the Kentucky Statutes, entitled "Medicine and Surgery."

H. B. 501. An act to amend and re-enact section 251 of article 5, chapter 171 of the Acts of 1891-2-3, entitled An act providing for the creation and regulation of private corporations, which became a law April 5, 1893, and being section 857, Kentucky Statutes.

H. B. 364. An act to amend section 3290, chapter 89 of Kentucky Statutes, relative to third class cities' legislative department.

H. B. 252. An act to prohibit the transportation of spirituous liquors, etc., into local option districts.

H. B. 228. An act to amend section 2721 of Kentucky Statutes, entitled "Mills."

H. B. 365. An act relating to fees.

H. B. 372. An act to amend an act amending section 965 of Kentucky Statutes, 1903, relating to the time of holding courts in the Twelfth Judicial District.

H. B. 72. An act regulating the carrying on of business under an assumed or fictitious name.

H. B. 99. An act to require owners of dams across certain streams in this Commonwealth to construct and maintain fish ladders or roads across said dams and providing penalties for failure so to do.

H. B. 353. An act to amend section 1886 of the Kentucky Statutes, edited and compiled by John D. Carroll, issued in 1903.

H. B. 434. An act to prohibit any person from engaging in or conducting the business of private banking in this Commonwealth and to repeal all laws regulating said business.

H. B. 163. An act for the conservation and protection of oil and gas in the Commonwealth of Kentucky and to prevent the flood-

ing and consequent destruction of oil and gas under lands of another.

H. B. 400. An act to require operators of certain ferries across the Ohio river to provide waiting rooms for their passengers.

H. B. 246. An act to amend section 4425 of the Kentucky Statutes relative to examinations for teachers' county and State certificates and State diplomas.

H. B. 84. An act requiring children to aid in the support of their indigent parents.

H. B. 101. An act prohibiting the unlawful destruction or taking from the premises of another tobacco plants growing on the bed.

H. B. 169. An act to prevent the obstruction of navigable streams.

H. B. 436. An act to appropriate the additional sum of $250,000 for the erection and completion of the Capitol and other State buildings at the seat of government now under contract and course of construction.

H. B. 205. An act fixing the rate of interest to be charged guardians, curators and committees.

H. B. 327. An act to provide for proper recognition or proficiency required by students who attend the normal department of the A. and M. College of Kentucky.

H. B. 92. An act to amend an act, entitled An act to make it unlawful to employ a child less than fourteen years of age in workshops, mines, mills or factories and to regulate the employment, use and protection of child-labor in mills, mines, factories, etc.

H. B. 377. An act to provide for the appointment of a State printing superintendent, defining his duties and providing compensation therefor.

With amendments to the three last named bills.

The House took up for consideration from the orders of the day a bill, entitled

S. B. 59. An act to prevent and punish the unlawful conversion and wrongful taking and abuse of water from water-works plants and any unlawful interference with appliances used and confining and distributing the same in the cities of this State.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any person who, without the consent of any person, firm, co-partnership or corporation engaged in the water works business or distribution and sale of water in any city or town of this State, shall unlawfully convert to his own use, from any pipe or hydrant of such person, firm, co-partnership or corporation any portion or quantity of such water, or who shall prevent such water or any quantity or part thereof, from passing through any meter provided for measuring it by such person, firm, co-partnership or corporation, or who shall, in any manner, prevent such meter from correctly registering the current or amount of water passing through it, or shall aid, in any manner, in the unlawful conversion to his use or the use of another, of any portion of such water, shall be fined not less than fifty dollars nor more than five hundred dollars, or imprisoned not less than three months nor exceeding twelve months, or both in the discretion of a jury trying the case.

§ 2. Any person who shall unlawfully and maliciously destroy, injure or otherwise interfere with any meter pipe, conduits, hydrants, or other apparatus belonging to any person, firm, co-partnership or corporation engaged in the furnishing and selling water, shall be punished by a fine of not less than five dollars nor more than five hundred dollars, or imprisoned not less than ten days nor more than one year, or both so fined and imprisoned, in the discretion of a jury.

§ 3. Any person who shall have in his possession any machine, appliance or contrivance of any character, used or intended to be used to prevent a meter from correctly registering the amount of water passing through it, or for diverting the water current that should pass through such meter, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or imprisoned not less than three months nor more than twelve months, or both so fined and imprisoned in the discretion of a jury.

§ 4. Any one who shall knowingly accept and receive the use and benefit of a current or any water diverted as provided for in section three hereof, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty dollars nor more than five hundred dollars, or imprisoned in the county jail not less than three months nor more than one year, or both so fined and imprisoned, in the discretion of a jury.

§ 5. A warrant or indictment shall be valid which charges any or all of the acts denounced in sections one, two, three, and four hereof in one count, and all of said acts may be charged and embraced in a single count in an indictment in the circuit court or a warrant in an inferior court having jurisdiction.

§ 6. This act shall be in force from and after its passage.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | Paul Gullion, | Emmet P. Slattery, |
| E. Barry, | James A. Hagan, | W. H. Southall, |
| W. G. Baxter, | Albert Hamilton, | Hub L. Stevens, |
| B. O. Becker, | C. W. G. Hannah, | John A. Stevens, |
| Peter Best, Jr., | L. P. Head, | Zeb. A. Stewart, |

W. T. Cain,
M. F. Campbell,
Bennett Clarke,
W. D. Claybrooke,
W. H. Cole,
Charles I. Dawson,
A. L. Denny,
Lawrence J. Diskin,
J. A. Frazier,
M. T. Freeman,
Lloyd W. Gates,
A. J. Gorham,
H. H. Griffin,
John C. Griffith,
Wm. F. Klair,
Geo. D. Litsey,
M. H. McLean,
Henry C. Miller,
J. M. Mitchell,
C. M. Paynter,
M. M. Redwine,
J. M. Robertson,
Richard S. Rose,
J. T. Royalty,
S. M. Russell,
J. T. Scott,
Ed. H. Shellman,
T. J. Slaton,
George W. Stone,
C. C. Terry,
A. J. Thompson,
C. F. Thornton,
Harry Weitkamp,
T. A. Weldon,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
Munnell Wilson,
J. Hal Woodford,
W. T. Wright,
James C. Yaden—56.

In the negative—L. F. Johnson.

Resolved, That the title of said bill be as aforesaid.

Mr. George S. Wilson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a resolution, entitled

S. Res. 20. Resolution for the benefit of McJ. Davis.

Said resolution is as follows, viz.:

Whereas, Mc. J. Davis was the duly elected, qualified and acting sheriff of Christian county, Ky., for and during the years 1895, 1896 and 1897; and

Whereas, As said sheriff he made certain sales of real estate in Christian county for State and county taxes, and bought said real estate in for the Commonwealth of Kentucky; and

Whereas, The then Auditor of Public Accounts of the Commonwealth of Kentucky refused to give said Davis credit for same

on his settlement with the State, and required said Davis to pay said taxes; and

Whereas, Since said settlement of said Davis with the Auditor of Public Accounts and since the payment of said taxes by said Davis the taxes for which the land was bought in by the said Davis for the Commonwealth have been paid to the Commonwealth and into the treasury thereof, and said land redeemed, amounting to about $179.29; and

Whereas, No notice was given said Mc. J. Davis, sheriff of Christian county, of said payments of said taxes into the treasury; and

Whereas, More than two years have elapsed since same was paid into the treasury; therefore

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts is authorized to re-open the settlement made by the Auditor of Public Accounts with Mc. J. Davis, sheriff of Christian county; and he is authorized to investigate the claim of said Mc. J. Davis, sheriff of Christian county. and hear such proof as said Mc. J. Davis shall offer, and if he finds that in said former settlement of Mc. J. Davis with the Auditor of Public Accounts, said Davis was charged with taxes on certain property in Christian county, and that said taxes were paid by said Mc. J. Davis into the treasury of the Commonwealth, and if he further finds that, since said time, said sum, or any part of it, has been collected by the Auditor's agent of Christian county, or any other collector of delinquent taxes, and paid into the treasury, he is authorized to draw his warrant in favor of said Mc. J. Davis for such sum as may have been thus twice paid into the treasury for taxes on said property.

Ordered that said resolution be read the third time.

The provision of the Constitution as to the third reading of said resolution at length being dispensed with, said resolution was read the third time by its title and concurred in.

The yeas and nays being taken on concurring in said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | J. A. Frazier, | Ed. Mulcahy, |
| John Barr, | M. T. Freeman, | Ion B. Nall, |
| E. Barry, | Taylor P. Gabbard, | C. M. Paynter, |
| W. G. Baxter, | W. J. Gooch, | M. M. Redwine, |
| B. O. Becker, | A. J. Gorham, | Richard S. Rose, |
| Roger P. Blair, | H. H. Griffin, | J. T. Royalty, |
| Joe F. Bosworth, | John C. Griffith, | S. M. Russell, |
| Bennett Clarke, | Paul Gullion, | T. J. Slaton, |
| J. W. Clay, | James A. Hagan, | Emmet P. Slattery, |
| W. D. Claybrooke, | Albert Hamilton, | W. H. Southall, |
| Sam. D. Cochran, | D. C. Hopper, | Hub L. Stevens, |
| H. K. Cole, | L. F. Johnson, | George W. Stone, |
| W. H. Cole, | Wm. F. Klair, | C. C. Terry, |
| Henry M. Cox, | Geo. D. Litsey, | C. F. Thornton, |
| Ed. Croan, | Virgil McKnight, | T. A. Weldon, |
| Charles I. Dawson, | M. H. McLean, | John B. Wicker, |
| A. L. Denny, | Henry C. Miller, | Geo. S. Wilson, |
| Lawrence J. Diskin, | R. W. Miller, | J. T. Wilson, |
| Thomas Drewry, | Chris Mueller, | Munnell Wilson, |
| Robert Enlow, | J. M. Mitchell, | Wm. Wilt—60. |

Those who voted in the negative were—

John A. Stevens, A. J. Thompson—2.

Resolved, That the title of said resolution be as aforesaid.

The House took up for consideration, from the orders of the day, a bill, entitled

S. B. 188. An act to increase the efficiency of the office of inspector of mines and afford greater protection to the lives and health of persons employed in the coal mines of this State, and to provide for the inspection of miner's scales and miner's oil.

Said bill is as follows, viz.:

Whereas, The number of coal mines in Kentucky has increased very largely within recent years, and is still rapidly increasing so that it is physically impossible for the office of Inspector of Mines, with its present inadequate inspection force to fully carry out the provisions of the law relating to the inspection of the coal mines of this State; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In order that the efficiency of the office of Inspector of Mines may be increased so that the provisions of the law relating to the inspection of coal mines may be more fully carried out and greater protection afforded the lives and health of persons employed in the coal mines of the State, the Governor is hereby authorized and directed to appoint two additional assistant inspectors of mines, who shall hold office for four years and until their successors are appointed and qualified. Said assistants shall have thorough knowledge of the different systems of working and ventilating coal mines and of the nature and properties of mine gases, especially of explosive gas, and shall have a thorough and practical knowledge of mining gained by at least five years' experience at and in such mines. Said assistant inspectors before entering upon the discharge of their official duties shall be sworn to discharge them faithfully and impartially, which oath shall be certified by the officer administering it, and said certificate shall be filed with the Secretary of State in his office and each of said assistants shall give bond in the penal sum of two thousand dollars, with surety to be approved by the Governor, for the faithful discharge of his official duties. Each of said assistants shall give his entire time and attention to the duties of his office, which shall consist of aiding, under the direction of the Chief Inspector of Mines, in carrying out the provisions of this act and of all other acts relating to the inspection of mines. He shall keep a record of all inspections made by him, and make monthly report of the same to

the Chief Inspector, and he shall at all times in all things pertaining to the duties of his office be subject to the orders of the chief inspector. Said assistants shall not be interested in operating any mine in this State, and they shall each be liable to dismissal for willful neglect of duty or malfeasance in office.

Each assistant inspector shall receive an annual salary of twelve hundred dollars, payable monthly, and shall likewise be allowed and paid his necessary traveling expenses when engaged in the discharge of his official duties.

§ 2. In order that the work of inspection of the mines may be systematized and expedited, the State is hereby divided into two inspection districts, the main line of that division of the Louisville & Nashville Railroad which extends from Louisville, Kentucky, to Nashville, Tennessee, being the division line between them. That part of the State west of the said railroad line shall be known as the First, or Western District, and that part east of said line shall be known as the Second, or Eastern District. But whenever he may deem it advisable to do so, the Chief Inspector of Mines may divide the eastern district into two districts, thus making three inspection districts in all. One of the assistant inspectors shall reside in the western district and shall have as his especial assignment the inspection of the coal mines thereof; one shall reside in and have as his especial work the inspection of the coal mines of the eastern, or second district; and one shall work in both districts, as the chief inspector may direct. Whenever the Chief Inspector may deem it expedient to divide the second district into two districts, he shall assign one of the assistant inspectors to work in the third district resulting therefrom, so that each of the three assistant inspectors (the two additional ones herein provided for and the one already provided for by law) shall have charge of a district; but all the assistants shall be subject to the rules and regulations laid down by the Chief Inspector for the general conduct of the office of Inspector of Mines, and whenever the Chief Inspector may deem it necessary in the interest of efficient supervision of the mines to temporarily employ the

services of two or of all three assistants at the same time in one and the same district, or whenever he may deem it desirable in the interest of efficient inspection to temporarily change assistants from one district to another, he shall have authority so to do.

§ 3. The owner, agent or operator of every coal mine in this State at which the miners are paid by weight shall provide at such mines suitable and accurate scales for the weighing of the coal for which the miners are to be paid; and when differences arise between the owner, agent or operator of the mine and the miners employed in the same as to the accuracy or capacity of the scales, the question shall be referred to the Chief State Inspector of Mines, whose duty it shall be to inspect and test said scales, in person or by an assistant inspector of mines, as early as practicable after receiving notification; and should said inspector find the scales inaccurate or defective beyond the limit admitted in scales of standard manufacture, he shall notify, the owner, agent or operator of the mine, and said scales shall forthwith be repaired and made accurate or accurate scales substituted therefor. Any owner, agent or operator of a coal mine who refuses or fails to comply with instructions to render his mine scales accurate shall be guilty of a misdemeanor, and on conviction shall be fined not less than five dollars nor more than fifty dollars.

§ 4. All mines known to generate fire-damp or explosive gas shall, as nearly as practicable, be inspected every sixty days; and the Chief Inspector of Mines is hereby directed to procure the most efficient and modern appliances and instruments, including a Shaw or other equally efficient gas-tester for detecting and estimating the amount of explosive gas in the mines, the same to be paid for upon the order of the inspector, approved by the Governor, and they shall be the property of the State.

§ 5. It shall be unlawful for any person, firm or corporation, or any agent or employe of same, to sell or furnish any oil to be used for illuminating purposes in coal mines in this State, unless the same shall have been inspected, approved and certified as hereinafter provided; and any person, firm or corporation, or the agent or employe

of same, violating the provisions of this section, shall be guilty of a misdemeanor and fined not less than ten nor more than fifty dollars for the first offense, and for each subsequent offense shall be fined not less than fifty dollars nor more than one hundred dollars.

§ 6. It shall be the duty of the State Inspector of Mines, in person or by an assistant inspector of mines, to inspect all miners' oil or equivalent material used for illuminating purposes in coal mines, and when said oil inspector complies with the requirements and tests of the seventh section of this act, he shall stencil, or otherwise plainly mark, each barrel, cask or package in which it is contained, substantially as follows: "Approved this....day of .....by Inspector .....," the blanks to be filled out with the date and name of the inspector making the inspection; but if the oil does not come up to said requirements and tests, the barrel, cask or package shall be so marked substantially as follows: "Rejected for illuminating purposes in the coal mines of the State of Kentucky, this.. day of ....., by Inspector .....," the blanks to be filled out with the date and name of the person making the inspection. A record shall be kept in the office of the Chief Inspector of Mines showing the number of barrels or other packages or gallons inspected, whether approved or rejected, and giving date, place of business and name of the person, firm or corporation for whom inspection was made.

§ 7. The requirements and tests which will authorize the approval provided for in the preceding section are as follows: It shall be a pure animal or vegetable oil or other material as free from smoke and bad odor and of equal merit as an illuminant as pure animal or vegetable oil, and not the product or by-product of rosin. The oil must be tested at sixty degrees Fahrenheit. Its specific gravity must not exceed twenty-four degrees Tagliabue. The test must be made in a glass jar one and five-tenths inches in width and seven inches in depth. Should the oil be tested below forty-five degrees Fahrenheit in temperature, it must be heated until it reaches eighty degrees Fahrenheit, and should the oil be at or over forty-five degrees

Fahrenheit, but below sixty degrees, it must be raised to a temperature of seventy degrees Fahrenheit, and then after being well shaken, it is to be allowed to cool gradually to a temperature of sixty degrees Fahrenheit before finally being tested. In testing the gravity of the oil, the Tagliabue hydrometer must be, when possible, read from below, and the last line which appears under the surface of the oil shall be regarded as the true reading. Should the oil be opaque or turbid, one-half of the capillary attraction shall be deemed and taken as the true reading. When the oil is tested under difficult circumstances, an allowance of one-half a degree may be made for possible errors in parallax before condemning the oil for use in the mine. All oil or other material used for illuminating purposes in mines shall be contained in barrels, casks or packages branded conspicuously with the name of the dealer, the specific gravity and date of shipment.

§ 8. The inspection herein provided for shall be made at all reasonable times and places on request of any person, firm or corporation engaged in selling or furnishing illuminating oil for use in the coal mines of this State.

§ 9. Any person using any barrel, cask or package marked with the inspector's approval for the storage of any other oil than that which was contained therein at the time said barrel, cask or package was so marked, shall be guilty of a misdemeanor and punished as provided in the fifth section of this act.

§ 10. There shall be provided for the office of Inspector of Mines all the instruments and appliances necessary for carrying out the provisions of this act, which shall be paid for on the order of the chief inspector, approved by the Governor, and which shall belong to the State.

§ 11. On account of the nature of the work to be carried on under this act, and the importance that its benefits shall be received by those employed in the mines at an early day, an emergency is hereby declared, and this act shall take effect upon its approval by the Governor.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | Taylor P. Gabbard, | C. M. Paynter, |
| John Barr, | H. H. Griffin, | J. M. Robertson, |
| E. Barry, | John C. Griffith, | Richard S. Rose, |
| W. G. Baxter, | W. C. Halbert, | J. T. Royalty, |
| Charles C. Beard, | Albert Hamilton, | S. M. Russell, |
| B. O. Becker, | J. A. Hamon, | R. C. Simmons, |
| Peter Best, Jr., | C. W. G. Hannah, | T. J. Slaton, |
| Roger P. Blair, | L. P. Head, | Emmet P. Slattery, |
| W. T. Cain, | D. C. Hopper, | W. H. Southall, |
| M. F. Campbell, | L. F. Johnson, | Hub L. Stevens, |
| Bennett Clarke, | W. H. Jones, | John A. Stevens, |
| W. D. Claybrooke, | Wm. F. Klair, | George W. Stone, |
| Sam. D. Cochran, | Geo. D. Litsey, | C. C. Terry, |
| H. K. Cole, | H. M. McCarty, | Harry Weitkamp, |
| Henry M. Cox, | Virgil McKnight, | John B. Wicker, |
| Ed. Croan, | M. H. McLean, | Geo. S. Wilson, |
| Charles I. Dawson, | R. W. Miller, | J. T. Wilson, |
| A. L. Denny, | J. M. Mitchell, | Munnell Wilson, |
| Thomas Drewry, | V. W. Morris, | J. Hal Woodford, |
| W. Reed Embry, | Ed. Mulcahy, | W. T. Wright, |
| Robert Enlow, | W. J. Osborne, | Jas. C. Yaden—66. |
| M. T. Freeman, | Henry G. Overstreet, | |

In the negative—A. J. Thompson.

Resolved that the title of said bill be as aforesaid.

Mr. Yaden moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill, entitled

S. B. 121. An act for the prohibition of steel trap setting.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to set outside of a house or building a "steel trap," and any one thus offending will be guilty of a misdemeanor, and fined not less than five dollars nor more than twenty-five dollars for each offense.

§ 2. All acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and disagreed to.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | Lloyd W. Gates, | W. J. Osborne, |
| Roger P. Blair, | A. J. Gorham, | Henry G. Overstreet, |
| Joe F. Bosworth, | Paul Gullion, | C. M. Paynter, |
| H. Kirby Bourne, | James A. Hagan, | J. M. Robertson, |
| J. W. Clay, | L. P. Head, | J. T. Royalty, |
| Sam. D. Cochran, | L. F. Johnson, | J. T. Scott, |
| Ed. Croan, | Virgil McKnight, | Emmet P. Slattery, |
| Lawrence J. Diskin, | R. W. Miller, | John A. Stevens, |
| Thomas Drewry, | J. M. Mitchell, | George W. Stone, |
| J. A. Frazier, | Ed. Mulcahy, | George S. Wilson—30. |

Those who voted in the negative were—

| | | |
|---|---|---|
| J. M. Alverson, | Taylor P. Gabbard, | V. W. Morris, |
| John Barr, | H. H. Griffin, | John R. Ray, |
| E. Barry, | John C. Griffith, | Richard S. Rose, |
| B. O. Becker, | W. C. Halbert, | T. J. Slaton, |
| Peter Best, Jr., | Albert Hamilton, | C. C. Terry, |
| W. T. Cain, | J. A. Hamon, | A. J. Thompson, |
| M. F. Campbell, | C. W. G. Hannah, | C. F. Thornton, |
| N. B. Chipman, | D. C. Hopper, | Harry Weitkamp, |
| Bennett Clarke, | W. J. Jackson, | W. T. White, |
| H. K. Cole, | W. H. Jones, | John B. Wicker, |
| Charles I. Dawson, | Geo. D. Litsey, | J. T. Wilson, |
| A. L. Denny, | M. H. McLean, | J. Hal Woolford—37. |
| M. T. Freeman, | | |

Mr. Gabbard moved that the vote by which said bill was disagreed to be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill, entitled

S. B. 98. An act to amend and re-enact section 3219 of the Kentucky Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 3219 of the Kentucky Statutes be amended and re-enacted so that said section shall read as follows:

§ 8. Said board shall annually, in the month of January, approximately ascertain the amount of money necessary to be used to defray the expenses of maintaining the schools, improving or constructing of buildings, etc., thereof, and any liquidations of the liabilities during the current fiscal year, and report the same, together with the amount to be received from the common school fund of the State of Kentucky, which amount the board shall ascertain by taking the

census required by law in April, to the Auditor, and thereupon the general council shall, at the request of said board, levy and collect such taxes as may be requested, and the money arising from said levy shall, under the direction and control of said board, be used for the benefit of the common schools and for the purpose of paying off the indebtedness of said board.

Provided, that said levy shall not, in any one year, exceed thirty-five cents on each one hundred dollars' valuation, and ten cents on each one hundred dollars' valuation additional for sinking fund purposes, as returned by the board of equalization on all taxable property in the city.

And, provided further, that this act shall not be so construed as to prevent said board from receiving and expending any sum or sums that may come to them by gift, devise or any law of the State.

The tax bill for all taxes levied by the general council for the public schools shall be made out by the city clerk and included in the tax bills containing the ordinary levy, and shall be collected with the same, by the same officer and in the same manner that the ordinary levies are collected by the collecting officer; and the powers and duties conferred and required of officers in collecting the ordinary city taxes are hereby conferred and required of them in collecting the taxes levied for said public schools, and such collecting officer and his sureties shall be liable under his official bond for any failure to perform his duties, upon which bond suit may be brought for the use of said board and recovery had for such amount as shal be found due thereon. All such sums of money, when collected and paid into the city treasury shall be set apart to, and passed over to, the common school fund, subject to, and drawn out only by the order of said board, as provided by law and ordinances of said board then existing.

Said board of education shall have the power to borrow money on the credit of the board in anticipation of the revenue from school taxes for the fiscal half year in which the same is borrowed and pledge said school taxes for the payment of the principal and interest

of said loan, provided that the interest paid shall in no case exceed six per cent. per annum and the principal shall in no case exceed fifty per cent. of the anticipated revenue.

Said board of education shall have power to issue schools bonds to run for not exceeding forty years for an amount not exceeding one hundred and fifty thousand dollars, sufficient to purchase sites and erect and equip school houses: Provided, That said bonds do not bear exceeding six per cent. per annum interest, payable semi-annually, and shall not be sold for less than par and accrued interest and the proceeds of said bonds shall be used exclusively for the purposes named in this act, and shall not be in violation of the Constitution of this Commonwealth. And provided, That said bonds shall not be used without the assent of two-thirds of the voters of said city voting at an election to be held for that purpose.

And, provided, That whenever the assent of two-thirds of the voters of said city has heretofore been obtained at an election held for that purpose in conformity with the provisions of this act, said assent is hereby declared to be as binding and legal and shall have the same force and effect as if obtained since the passage of this act. And, provided, Any indebtedness contracted in violation of this section shall be void. And, provided, further, That it shall be the duty of the county officers entrusted with the duty of conducting election to hold said elections when requested so to do by said board of education, and the holding of said election shall be after fifteen days' notice in the official paper of the city, and the conduct and returns of said election shall be made as provided in the general election law. And, provided, The board may pledge the property so purchased and equipped with the proceeds of said bonds and all other school property, and the revenue of said board for the payment of the principal and interest of said indebtedness. And, provided, That said board of education shall, annually, request the general council of said city to provide for the collection of sinking fund tax sufficient to pay the interest on said indebtedness at the time of contracting the same and to create a sinking fund for the payment

of the principal thereof within the term for which said bonds are issued, and said general council shall also levy and collect such other school taxes as may be requested by the board of education within the limit fixed by statute.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

| | | |
|---|---|---|
| Louis W. Arnett, | B. P. Grigsby, Sr., | S. M. Russell, |
| John Barr, | Paul Gullion, | J. T. Scott, |
| E. Barry, | James A. Hagan, | R. C. Simmons, |
| W. G. Baxter, | Albert Hamilton, | T. J. Slaton, |
| Peter Best, Jr., | W. J. Jackson, | W. H. Southall, |
| Joe F. Bosworth, | L. F. Johnson, | Hub L. Stevens, |
| H. Kirby Bourne, | Wm. F. Klair, | John A. Stevens, |
| N. B. Chipman, | H. M. McCarty, | Zeb. A. Stewart, |
| J. W. Clay, | M. H. McLean, | George W. Stone, |
| W. D. Claybrooke, | R. W. Miller, | C. C. Terry, |
| Henry M. Cox, | Chris Mueller, | Harry Weitkamp, |
| Charles I. Dawson, | J. M. Mitchell, | W. T. White, |
| A. L. Denny, | Ed. Mulcahy, | John B. Wicker, |
| Lawrence J. Diskin, | W. J. Osborne, | Geo. S. Wilson, |
| Taylor P. Gabbard, | Henry G. Overstreet, | J. T. Wilson, |
| A. J. Gorham, | C. M. Paynter, | Munnell Wilson, |
| H. H. Griffin, | J. M. Robertson, | Wm. Wilt—51. |

Those who voted in the negative were—

| | | |
|---|---|---|
| Virgil McKnight, | A. J. Thompson, | C. F. Thornton—3. |

Resolved, That the title of said bill be as aforesaid.

Mr. ——— moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill, entitled

S. B. 170. An act to repeal chapter 296 of the Session Acts of 1887 and 1888.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That chapter 296 of the Session Acts of 1887 and 1888, approved by the Governor February 24, 1888, entitled "An act to incorporate the Albany High School in Clinton county," be, and the same is hereby, repealed. Said chapter to be repealed reads as follows:

§ 1. That the Albany High School, located at Albany, the county seat of Clinton county, be, and the same is hereby, incorporated with right to sue and be sued, to acquire and hold real and personal estate to not exceed in value twenty-five thousand dollars, to have a corporate seal, to contract and be contracted with, and to employ teachers and conduct a school upon such terms as the Board of Directors may prescribe.

§ 2. That the management of said corporation and its affairs shall be under control of five directors, to be elected annually by the stockholders as provided in the existing article of incorporation under chapter fifty-six (56) of the General Statutes. P. H. Hopkins, J. F. Brents, C. M. Gibbons, J. A. Brents and Preston Cooper, who are the Board of Directors under the present organization, are to remain and continue in office until their successors are elected and qualified, with full power to control the affairs of said corporation. The stockholders of said corporation shall meet in Albany on the second Saturday in June in each year to elect a Board of Directors, and, if from any cause the election is not held on that day, the election may be held on some other day in said month, due notice to be given of the time and place by the secre-

tary of the Board of Directors. The Board of Directors shall remain in office until their successors are elected and qualified.

§ 3. Stock may, as heretofore, be issued in shares of fifty dollars each, but not to exceed in the aggregate twenty-five thousand dollars, each shareholder to be entitled to one vote in the election of a Board of Directors. Certificates may be issued for money paid to be repaid in tuition not to exceed twenty per cent. thereof annually.

§ 4. The indebtedness of said corporation shall not exceed at any one time ten thousand dollars, and the Board of Directors are authorized to borrow money and execute bonds or notes for same, to be paid by said corporation, the private property of the Board of Directors and stockholders to be exempt from corporate debts and liabilities.

§ 5. The Board of Directors are authorized to appoint such officers and agents as they may deem necessary to the proper conduct and management of the business of the corporation and make such rules and regulations as they may deem best to promote the interest of the corporation.

§ 6. That the Board of Directors of the Albany High School are hereby constituted and authorized to act as a Board of Trustees for the common school district No. 10, that is, the school district in which Albany is situated, and they will discharge all the duties and make all reports required by law of trustees of common school districts, except that they shall make all their reports to the superintendent and they shall receive from the State annually the proportion of the school fund to which said district is entitled for the white children therein. The county superintendent shall have no control over said school district, but may change the line between said school district so as to emerge the boundary of said district upon the petition of the fathers and guardians of the children within the school age residing in adjoining districts.

§ 7. That in order to entitle said corporation to receive the school fund to which said district is entitled the said Board of

Directors shall take the census of the white children in the school age and make report thereof to the superintendent for the State and admit free of tuition in all the branches required to be taught in common schools for five months each year all the white children in said district within the school age and make report thereof through the president of the board at the expiration of five months fixed for said free tuition, and they may report when one-half of the time has been taught by competent teachers and receive the per cent. now allowed by law, and when the proper report is filed in this office the superintendent of the State shall draw his warrant on the Auditor in favor of the president of the Board of Directors for the Albany High School for the amount due said district.

§ 8. No sectarian, infidel or immoral doctrine shall be taught to any of the children within said School district during the period set apart for free tuition to them, nor shall they be placed in any class or room where theology or religion of any kind is taught, if any such class is ever taught in said school.

§ 9. The Superintendent of Public Instruction for this State shall furnish said Board of Directors such blanks as may be necessary for them to make all necessary reports.

§ 10. That this act take effect from and after its passage.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | Taylor P. Gabbard, | C. M. Paynter, |
| Louis W. Arnett, | Lloyd W. Gates, | John R. Ray, |
| John Barr, | A. J. Gorham, | J. M. Robertson, |
| W. G. Baxter, | John C. Griffith, | Richard S. Rose, |

| | | |
|---|---|---|
| B. O. Becker, | Paul Gullion, | J. T. Royalty, |
| Roger P. Blair, | James A. Hagan, | S. M. Russell, |
| Joe F. Bosworth, | W. C. Halbert, | J. T. Scott, |
| W. T. Cain, | Albert Hamilton, | T. J. Slaton, |
| M. F. Campbell, | D. C. Hopper, | Emmet P. Slattery, |
| N. B. Chipman, | W. J. Jackson, | Hub L. Stevens, |
| J. W. Clay, | Wm. F. Klair, | John A. Stevens, |
| W. D. Claybrooke, | Geo. D. Litsey, | Zeb. A. Stewart, |
| Sam. D. Cochran, | H. M. McCarty, | C. C. Terry, |
| H. K. Cole, | M. H. McLean, | W. T. White, |
| Charles I. Dawson, | R. W. Miller, | John B. Wicker, |
| A. L. Denny, | J. M. Mitchell, | Geo. S. Wilson, |
| Lawrence J. Diskin, | V. W. Morris, | Munnell Wilson, |
| Thomas Drewry, | Ed. Mulcahy, | J. Hal Woodford, |
| W. Reed Embry, | W. J. Osborne, | W. T. Wright—59. |
| M. T. Freeman, | Henry G. Overstreet, | |

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

The House took up for consideration from the orders of the day a bill, entitled

S. B. 85. An act fixing the liability of and measure of damages for the commission of fraud in the sale of real estate.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in all instances where fraud by way of misrepresentation, or otherwise, has been or may be committed by vendors in the sale of real estate, where the vendee has accepted a deed, said vendee shall have the right to maintain an action for rescission, an action for deceit, or an action for an abatement in the purchase price; and the measure of damage in the last two classes shall be the difference between what the land was actually worth and its value had it been in all respects as represented.

§ 2. There being no statute on this subject in this Common-

wealth, and much injustice having been done, and now being done, in the sale of timber and coal lands in this Commonwealth, which require prompt action, an emergency is now declared to exist and this act shall take effect on its passage.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | J. A. Frazier, | J. M. Robertson, |
| John Barr, | M. T. Freeman, | Richard S. Rose, |
| E. Barry, | Taylor P. Gabbard, | J. T. Royalty, |
| W. G. Baxter, | John C. Griffith, | S. M. Russell, |
| B. O. Becker, | W. C. Halbert, | J. T. Scott, |
| Peter Best, Jr., | Albert Hamilton, | T. J. Slaton, |
| Roger P. Blair, | C. W. G. Hannah, | Emmet P. Slattery, |
| Joe F. Bosworth, | L. P. Head, | W. W. Smith, |
| W. T. Cain, | D. C. Hopper, | Hub L. Stevens, |
| M. F. Campbell, | L. F. Johnson, | John A. Stevens, |
| N. B. Chipman, | W. H. Jones, | Zeb. A. Stewart, |
| J. W. Clay, | Wm. F. Klair, | C. C. Terry, |
| W. D. Claybrooke, | Geo. D. Litsey, | A. J. Thompson, |
| Sam. D. Cochran, | H. M. McCarty, | C. F. Thornton, |
| H. K. Cole, | Virgil McKnight, | Harry Weitkamp, |
| Henry M. Cox, | M. H. McLean, | W. T. White, |
| Charles I. Dawson, | Henry C. Miller, | John B. Wicker, |
| A. L. Denny, | R. W. Miller, | Wm. Wilt, |
| Lawrence J. Diskin, | J. M. Mitchell, | J. Hal Woodford, |
| Thomas Drewry, | V. W. Morris, | W. T. Wright—61. |
| W. Reed Embry, | John R. Ray, | |

In the negative—Geo. S. Wilson.

Resolved, That the title of said bill be as aforesaid.

Mr. Dawson moved that the vote by which said bill was passed be reconsidered.

Mr. Johnson moved that said motion lie on the table.

Said last named motion was agreed to.

The yeas and nays being required thereon by Messrs. McLean and Stewart were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | J. A. Frazier, | Chris Mueller, |
| E. Barry, | M. T. Freeman, | Henry G. Overstreet, |
| W. G. Baxter, | Taylor P. Gabbard, | Richard S. Rose, |
| Charles C. Beard, | Lloyd W. Gates, | J. T. Royalty, |
| B. O. Becker, | John C. Griffith, | S. M. Russell, |
| Peter Best, Jr., | W. C. Halbert, | J. T. Scott, |
| Joe F. Bosworth, | Albert Hamilton, | R. C. Simmons, |
| H. Kirby Bourne, | C. W. G. Hannah, | W. W. Smith, |
| W. T. Cain, | L. P. Head, | Hub L. Stevens, |
| M. F. Campbell, | D. C. Hopper, | C. F. Thornton, |
| N. B. Chipman, | W. J. Jackson, | T. A. Weldon, |
| W. D. Claybrooke, | L. F. Johnson, | Wm. Wilt, |
| H. K. Cole, | Wm. F. Klair, | J. Hal Woodford, |
| W. H. Cole, | Henry C. Miller, | W. T. Wright—44. |
| A. L. Denny, | R. W. Miller, | |

Those who voted in the negative were—

| | | |
|---|---|---|
| Louis W. Arnett, | A. J. Gorham, | Emmet P. Slattery, |
| John Barr, | James A. Hagan, | W. H. Southall, |
| Sam. D. Cochran, | J. A. Hamon, | John A. Stevens, |
| Henry M. Cox, | Geo. D. Litsey, | Zeb. A. Stewart, |
| Ed. Croan, | M. H. McLean, | C. C. Terry, |
| Charles I. Dawson, | J. M. Mitchell, | A. J. Thompson, |
| Lawrence J. Diskin, | Ed. Mulcahy, | Harry Weitkamp, |
| Thomas Drewry, | C. M. Paynter, | John B. Wicker, |
| W. Reed Embry, | John R. Ray, | Geo. S. Wilson—30. |
| Robert Enlow, | T. J. Slaton, | |

The House took up for consideration from the clerk's desk a bill, entitled

H. B. 92. An act to amend an act, entitled An act to make it unlawful to employ a child less than fourteen years of age in work-shops, mines, mills or factories, and to regulate the employment, use and protection of child-labor in mills, mines, factories, etc.

Together with the amendments proposed thereto by the Senate. (For bill see House Journal, March 6th.)

The amendment as proposed thereto by the Senate is as follows, viz.:

Amend line 2, section 2, after the word "mine" to read "unless said child shall have no other means of support."

Said amendment was concurred in.

Said bill as amended was then passed.

The yeas and nays being taken on the passage of said bill as amended, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | Lloyd W. Gates, | J. M. Robertson, |
| Louis W. Arnett, | A. J. Gorham, | Richard S. Rose, |
| John Barr, | John C. Griffith, | J. T. Royalty, |
| E. Barry, | Paul Gullion, | S. M. Russell, |
| W. G. Baxter, | James A. Hagan, | R. C. Simmons, |
| Charles C. Beard, | Albert Hamilton, | T. J. Slaton, |
| Roger P. Blair, | J. A. Hamon, | Emmet P. Slattery, |
| H. Kirby Bourne, | C. W. G. Hannah, | W. W. Smith, |
| W. T. Cain, | L. P. Head, | W. H. Southall, |
| M. F. Campbell, | D. C. Hopper, | Hub L. Stevens. |
| J. W. Clay, | L. F. Johnson, | John A. Stevens, |
| W. D. Claybrooke, | Wm. F. Klair, | Zeb. A. Stewart, |
| Sam. D. Cochran, | Geo. D. Litsey, | George W. Stone, |
| H. K. Cole, | H. M. McCarty, | C. C. Terry, |

W. H. Cole,
Ed. Croan,
Charles I. Dawson,
Thomas Drewry,
W. Reed Embry,
Robert Enlow,
J. A. Frazier,
M. T. Freeman,
Taylor P. Gabbard,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
Chris Mueller,
J. M. Mitchell,
Ion B. Nall,
C. M. Paynter,
John R. Ray,
A. J. Thompson,
C. F. Thornton,
T. A. Weldon,
John B. Wicker,
Geo. S. Wilson,
Munnell Wilson,
J. Hal Woodford,
W. T. Wright—67.

In the negative—none.

And then the House adjourned until 2:30 o'clock this afternoon.

AFTERNOON SESSION.

At 2:30 o'clock p. m., the House met pursuant to adjournment.

Mr. Klair offered the following resolution, viz.:

Whereas, the honor, dignity and integrity of any legislative body is reflected by the demeanor and official conduct of its presiding officer; and,

Whereas, the lower House of the General Assembly of the Commonwealth of Kentucky has had a long and distinguished line of Speakers, many of whom have impressed their personality and their greatness upon the nation and even upon international conventions of world-wide influence and extent; and,

Whereas, this session of the General Assembly has been no less fortunate than the most favored session of all those that have passed into ilustrious history, in having for its presiding officer a gentleman of the most generous sympathy and kindly fairness, who has at all times and under all circumstances given just and equal consideration to the rights and privileges of all members, regardless of party or person, ever mindful of his official relationship to the membership of this House; therefore,

Be it resolved, That this House hereby extend to the Hon. Henry R. Lawrence, the Speaker, its sincere thanks and most hearty congratulations for having performed successfully and ably each and

ever duty and obligation to the State which he has served so well, and at the same time with such marked kindness, courtesy and generosity to the membership of this House; and be it further

Resolved, That the best wishes of the members of this House attend him in his future life, bespeaking for him wherever he may go, into whatever public service, an unsurpassed fidelity to duty and honesty of purpose that shall reflect credit upon him and upon those whom he may serve.

Said resolution was unanimously agreed to, the members rising.

The House took up for consideration, from the orders of the day, a resolution, entitled

S. Res. 7. Resolution for the benefit of Dr. Hugh L. Tobin's widow and children.

Said resolution is as follows, viz.:

Whereas, Dr. Hugh L. Tobin, late physician at the Frankfort penitentiary, died on September 14, 1905, several months before the expiration of the term of office for which he was elected; and

Whereas, The said Tobin was faithful and efficient official, who devoted his entire time and attention to the discharge of his official duties; and

Whereas, The said Tobin left a wife and nine children, of tender years, who will be dependent on the efforts of their mother, it is the will of the Senate, the House of Representatives concurring that five hundred dollars of the remainder of the salary that would have been due the said Tobin, had he lived until the expiration of his term of office, should be paid to his widow; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the treasurer, upon the certificate or order of the clerk of the Board of Prison Commissioners, in favor of Kate Tobin, the widow of Hugh L. Tobin, the sum of five hun-

dred dollars as a part of the sum of money that would have been due her husband at the expiration of the term of office had he lived.

Ordered that said resolution be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said resolution was read the third time by its title and passed.

The yeas and nays being taken on concurring in said resolution, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | J. A. Frazier, | Ed. Mulcahy, |
| Louis W. Arnett, | M. T. Freeman, | Ion B. Nall, |
| John Barr, | Lloyd W. Gates, | W. J. Osborne, |
| E. Barry, | A. J. Gorham, | Henry G. Overstreet, |
| W. G. Baxter, | John C. Griffith, | C. M. Paynter, |
| Charles C. Beard, | James A. Hagan, | John R. Ray, |
| B. O. Becker, | W. C. Halbert, | J. M. Robertson, |
| Peter Best, Jr., | Albert Hamilton, | Richard S. Rose, |
| H. Kirby Bourne, | J. A. Hamon, | Ed. H. Shellman, |
| W. T. Cain, | C. W. G. Hannah, | R. C. Simmons, |
| M. F. Campbell, | L. P. Head, | T. J. Slaton, |
| N. B. Chipman, | D. C. Hopper, | Emmet P. Slattery, |
| Bennett Clarke, | L. F. Johnson, | W. W. Smith, |
| J. W. Clay, | W. H. Jones, | Hub L. Stevens, |
| W. D. Claybrooke, | Wm. F. Klair, | George W. Stone, |
| Sam. D. Cochran, | Geo. D. Litsey, | C. C. Terry, |
| H. K. Cole, | H. M. McCarty, | C. F. Thornton, |
| W. H. Cole, | Virgil McKnight, | Harry Weitkamp, |
| Charles I. Dawson, | M. H. McLean, | W. T. White, |
| A. L. Denny, | Henry C. Miller, | J. Hal Woodford, |
| Thomas Drewry, | R. W. Miller, | W. T. Wright—65. |
| W. Reed Embry, | J. M. Mitchell, | |

In the negative—none.

Resolved, That the title of said resolution be as aforesaid.

Mr. Arnett moved that the vote by which said resolution was concurred in be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day, a bill, entitled

S. B. 6. An act to amend and re-enact an act, entitled "An act fixing the times and terms of the circuit courts in counties composing the several judicial districts in this Commonwealth," approved December 26, 1892, and an amendment thereto approved March 30, 1900, so far as the same applies to the Twenty-ninth Circuit Court District.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act fixing the times and terms of the circuit courts in the counties composing the several judicial districts in this Commonwealth," approved December 28, 1892, and an amendment thereto, approved March 28, 1900, so far as the same applies to the Twenty-ninth Circuit Court District, be, and the same is hereby, amended and re-enacted so as to make it read as follows:

Twenty-ninth, Adair county, at Columbia, on the third Mondays in January, May and September, twelve juridical days each.

Russell county, at Jamestown, on third Mondays in February, June and October, twelve juridical days each.

Cumberland county, at Burksville, on the third Mondays in March, July and November, twelve juridical days each.

Monroe county, at Tompkinsville, on the first Mondays in April and August, and the second Monday in December, twelve juridical days each.

Casey county, at Liberty, on the first Mondays in March, July and November, twelve juridical days each.

Metcalfe county, at Edmonton, on the first Mondays in February, June and October, twelve juridical days each.

§ 2. Whereas, much inconvenience is occasioned to the litigants and their attorneys by the present law fixing the times of said courts in said districts, an emergency is hereby declared to exist, and this act shall take effect and become a law from and after its passage and approval by the Governor.

Mr. Hopper offered the following amendment to said bill, viz.:

Amend by adding after line 18, the following: Provided, There shall be no such court held at Tompkinsville, Monroe county, in August of the year 1906, but there shall be such court held at Edmonton, Metcalfe county, on this date.

Said amendment was disagreed to.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | Taylor P. Gabbard, | Ed. Mulcahy, |
| Louis W. Arnett, | Lloyd W. Gates, | Henry G. Overstreet, |
| John Barr, | A. J. Gorham, | C. M. Paynter, |
| E. Barry, | John C. Griffith, | John R. Ray, |
| W. G. Baxter, | James A. Hagan, | J. M. Robertson, |
| Charles C. Beard, | W. C. Halbert, | Richard S. Rose, |
| B. O. Becker, | Albert Hamilton, | R. C. Simmons, |
| Peter Best, Jr., | J. A. Hamon, | T. J. Slaton, |
| H. Kirby Bourne, | C. W. G. Hannah, | W. W. Smith, |
| W. T. Cain, | L. P. Head, | W. H. Southall, |
| M. F. Campbell, | W. J. Jackson, | Hub L. Stevens, |

| | | |
|---|---|---|
| J. W. Clay, | L. F. Johnson, | Zeb. A. Stewart, |
| W. D. Claybrooke, | W. H. Jones, | George W. Stone, |
| Sam. D. Cochran, | Wm. F. Klair, | C. C. Terry, |
| W. H. Cole, | Geo. D. Litsey, | C. F. Thornton, |
| Ed. Croan, | Virgil McKnight, | Harry Weitkamp, |
| Charles I. Dawson, | M. H. McLean, | W. T. White, |
| Lawrence J. Diskin, | Henry C. Miller, | John B. Wicker, |
| W. Reed Embry, | R. W. Miller, | Munnell Wilson, |
| J. A. Frazier, | J. M. Mitchell, | W. T. Wright—61. |
| M. T. Freeman, | | |

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

Mr. Arnett moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

S. B. 274. An act concerning excavations in cities of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever the owner of a lot in a city of the first class proposes to excavate upon such lot to a depth greater than ten feet below the top of the curbstone of the sidewalk adjoining such lot, or to cause an excavation to be made on such lot to a depth greater than ten feet below the top of such curbstone, the owner so proposing to excavate or to cause an excavation to be made, shall, at his own expense, protect any wall on adjoining land on or near such excavation from injury from such excavation, if the necessary license is afforded him to enter upon such adjoining land for that purpose, but not otherwise.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | M. T. Freeman, | Ion B. Nall, |
| Louis W. Arnett, | Lloyd W. Gates, | Henry G. Overstreet, |
| John Barr, | A. J. Gorham, | C. M. Paynter, |
| E. Barry, | John C. Griffith, | John R. Ray, |
| W. G. Baxter, | James A. Hagan, | J. M. Robertson, |
| Peter Best, Jr., | Albert Hamilton, | Richard S. Rose, |
| H. Kirby Bourne, | J. A. Hamon, | T. J. Slaton, |
| J. W. Clay, | C. W. G. Hannah, | Emmet P. Slattery, |
| W. D. Claybrooke, | L. P. Head, | W. H. Southall, |
| W. H. Cole, | W. J. Jackson, | Hub L. Stevens, |
| Henry M. Cox, | L. F. Johnson, | Zeb. A. Stewart, |
| Ed. Croan, | W. H. Jones, | George W. Stone, |
| Charles I. Dawson, | Wm. F. Klair, | C. C. Terry, |
| Lawrence J. Diskin, | H. M. McCarty, | C. F. Thornton, |
| Thomas Drewry, | Henry C. Miller, | John B. Wicker, |
| W. Reed Embry, | R. W. Miller, | J. Hal Woodford, |
| Robert Enlow, | Chris Mueller, | W. T. Wright—53. |
| J. A. Frazier, | Ed. Mulcahy, | |

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

Mr. Arnett moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

S. B. 207. An act for the benefit of Hazelrigg and Chenault, permitting them to sue the Commonwealth of Kentucky.

Said bill is as follows, viz.:

Whereas, in October, 1901, the Insurance Commissioner of the Commonwealth of Kentucky employed Hazelrigg Chenault to brief and orally argue for the Commonwealth of Kentucky and insurance department the case of James Simms v. The Commonwealth of Kentucky, pending in the Court of Appeals of Kentucky at that time; and,

Whereas, said Hazelrigg & Chenault did, by written and printed brief and oral argument, represent the Commonwealth in said action, the Attorney-General not having time to give the matter attention, and,

Whereas, said suit was won for the Commonwealth of Kentucky, and the decision being an important one, was reported in 24 Kentucky Law Reports, page 1591; and,

Whereas, the said employment was made under section 762, Kentucky Statutes, which reads as followws:

"§ 762. Compensation to attorneys and agents of department and State Treasurer.

"The Governor may allow such reasonable compensation to attorneys and agents of the insurance department, for services rendered and for expenses incurred in enforcing the laws relating to insurance companies, as he may deem proper: Provided, That in all cases tried by any court of competent jurisdiction, such compensation shall be adjudged by the court. And further provided, There shall be annually paid to the treasurer from the fund out of which the Insurance Commissioner is paid, the sum of six hundred dollars for the services to be rendered by him and pursuant to the provision of this chapter."

And, whereas, after said services had been rendered by Hazelrigg & Chenault and the cause won for the Commonwealth, pursuant to the foregoing section of the statutes, a motion was made beforethe Court of Appeals, asking an allowance as compensation

for said services, but the Court of Appeals held that said statute did not cover the employment and decided that the court had no power to grant the allowance; and,

Whereas, it apearing that the insurance department and the Attorney-General and Hazelrigg & Chenault were all laboring under the impression that an allowance could be made under said section of the statute, and it appearing that they were mistaken in such impression; and,

Whereas, said Hazelrigg & Chenault having rendered said services to the Commonwealth of Kentucky, and said Commonwealth having received the benefit of their services, now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Hazelrigg & Chenault are hereby permitted to sue the Commonwealth of Kentucky in the Franklin Circuit Court, under the style of Hazelrigg & Chenault, plaintiffs, v. S. W.Hager, Auditor, on relation of the Commonwealth of Kentucky, defendant, in order that said court may determine and allow, after hearing proof as to the value of said services, a reasonable fee to Hazelrigg & Chenault, not exceeding five hundred dollars ($500.)

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | A. J. Gorham, | John R. Ray, |
| Louis W. Arnett, | Paul Gullion, | J. M. Robertson, |
| John Barr, | James A. Hagan, | S. M. Russell, |
| E. Barry, | L. P. Head, | T. J. Slaton, |
| W. G. Baxter, | L. F. Johnson, | Emmet P. Slattery, |

| | | |
|---|---|---|
| Joe F. Bosworth, | Wm. F. Klair, | W. H. Southall, |
| J. W. Clay, | Geo. D. Litsey, | Hub L. Stevens, |
| W. D. Claybrooke, | H. M. McCarty, | Zeb. A. Stewart, |
| Sam. D. Cochran, | Virgil McKnight, | George W. Stone, |
| Henry M. Cox, | M. H. McLean, | C. C. Terry, |
| Ed. Croan, | Henry C. Miller, | Harry Weitkamp, |
| Charles I. Dawson, | R. W. Miller, | T. A. Weldon, |
| Lawrence J. Diskin, | J. M. Mitchell, | W. T. White, |
| Thomas Drewry, | Ed. Mulcahy, | Munnell Wilson, |
| W. Reed Embry, | W. J. Osborne, | J. Hal Woodford, |
| J. A. Frazier, | Henry G. Overstreet, | James C. Yaden—49. |
| Lloyd W. Gates, | | |

Those who voted in the negative were—

| | | |
|---|---|---|
| B. O. Becker, | Robert Enlow, | W. H. Jones, |
| H. Kirby Bourne, | John C. Griffith, | V. W. Morris, |
| W. T. Cain, | W. C. Halbert, | C. M. Paynter, |
| M. F. Campbell, | C. W. G. Hannah, | Richard S. Rose, |
| N. B. Chipman, | D. C. Hopper, | Wm. Wilt, |
| H. K. Cole, | W. J. Jackson, | W. T. Wright—19. |
| W. H. Cole, | | |

Resolved, That the title of said bill be as aforesaid.

Mr. Arnett moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a resolution, entitled.

S. Res. 19. Resolution for the benefit of Essex Mosby.

Whereas, Essex Mosby has, during the present session of the General Assembly, furnished sulphur water to the members, has provided clean towels in the wash rooms, and has attended the sessions of the various committees, rendering service to them; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the sum of sixty dollars be, and the same is hereby allowed to the said Essex Mosby, payable out of any sum in the treasury not otherwise appropriated, upon the certificate of the clerk of each House, that the said service was rendered. Said amount to be in full of service for both Houses, and to be paid as a contingent expense of the General Assembly.

2. Whereas, The service has been rendered by said Mosby and he is entitled to his money, an emergency is declared to exist, and this resolution shall take effect upon its passage and approval.

Ordered that said resolution be read the third time.

The provision of the Constitution as to the third reading of said resolution, at length, being dispensed with, said resolution was read the third time by its title and concurred in.

The yeas and nays being taken on concurring in said resolution, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | J. A. Hamon, | Ed. H. Shellman, |
| John Barr, | L. P. Head, | R. C. Simmons, |
| E. Barry, | W. J. Jackson, | T. J. Slaton, |
| W. G. Baxter, | L. F. Johnson, | Emmet P. Slattery, |
| Joe F. Bosworth, | Wm. F. Klair, | W. H. Southall, |
| H. Kirby Bourne, | Geo. D. Litsey, | Hub L. Stevens, |
| J. W. Clay, | H. M. McCarty, | John A. Stevens, |
| W. D. Claybrooke, | Virgil McKnight, | Zeb. A. Stewart, |
| Sam. D. Cochran, | M. H. McLean, | George W. Stone, |
| Henry M. Cox, | Henry C. Miller, | C. C. Terry, |
| Charles I. Dawson, | R. W. Miller, | A. J. Thompson, |
| Lawrence J. Diskin, | Chris Mueller, | C. F. Thornton, |
| Thomas Drewry, | J. M. Mitchell, | Harry Weitkamp, |
| Robert Enlow, | W. J. Osborne, | T. A. Weldon, |
| M. T. Freeman, | C. M. Paynter, | Geo. S. Wilson, |
| A. J. Gorham, | J. M. Robertson, | Munnell Wilson, |
| John C. Griffith, | J. T. Royalty, | Hal J. Woodford—59. |
| B. P. Grigsby, Sr., | S. M. Russell, | |

Those who voted in the negative were—

| | | |
|---|---|---|
| H. K. Cole, | C. W. G. Hannah, | John B. Wicker, |
| W. C. Halbert, | D. C. Hopper, | Wm. Wilt—6. |

Resolved, That the title of said resolution be as aforesaid.

Mr. Arnett moved that the vote by which said resolution was concurred in be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

S. B. 196. An act to amend an act relating to courts of justice being chapter 221 of acts of 1893, approved June 10, 1893.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1093, Kentucky Statutes, be amended by adding thereto, after the word "justices," the words, "And quarterly courts," and by adding after the word "both" the following words: "And quarterly courts and the judges thereof, may and shall take jurisdiction of all city ordinances of towns of the sixth class, where such ordinances impose a fine or penalty or both, in which there is no acting or qualified police judge, and shall have power to enforce all judgments rendered thereon," so that when said section is amended it shall read as follows: "Justices and quarterly courts and the judges thereof, shall have jurisdiction exclusive of circuit courts in all penal cases, the punishment of which is limited to a fine not exceeding twenty dollars, and jurisdiction concurrent with circuit courts of all penal cases, the punishment of which is limited to a fine not exceeding one hundred dollars or imprisonment not exceeding fifty days or both.

"And quarterly courts and judges thereof, may and shall take jurisdiction of all city ordinances in towns of the sixth class, im-

posing fines or forfeitures by ordinance in which said towns there is no acting or qualified police judge, and shall have full power to render and to enforce all judgments rendered thereon, and such judgments shall be for the use and benefit of said town of the sixth class."

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | W. Reed Embry, | R. W. Miller, |
| John Barr, | Robert Enlow, | Chris Mueller, |
| E. Barry, | M. T. Freeman, | J. M. Mitchell, |
| W. G. Baxter, | Taylor P. Gabbard, | Ed. Mulcahy, |
| Charles C. Beard, | Lloyd W. Gates, | Ion B. Nall, |
| B. O. Becker, | John C. Griffith, | W. J. Osborne, |
| Roger P. Blair, | Paul Gullion, | Henry G. Overstreet, |
| Joe F. Bosworth, | James A. Hagan, | J. M. Robertson, |
| H. Kirby Bourne, | Albert Hamilton, | J. T. Royalty, |
| W. T. Cain, | J. A. Hamon, | S. M. Russell, |
| M. F. Campbell, | C. W. G. Hannah, | Zeb. A. Stewart, |
| Bennett Clarke, | D. C. Hopper, | C. C. Terry, |
| J. W. Clay, | W. J. Jackson, | T. A. Weldon, |
| W. D. Claybrooke, | L. F. Johnson, | W. T. White, |
| H. K. Cole, | Wm. F. Klair, | John B. Wicker, |
| W. H. Cole, | Geo. D. Litsey, | Geo. S. Wilson, |
| Charles I. Dawson, | Virgil McKnight, | Munnell Wilson, |
| Lawrence J. Diskin, | M. H. McLean, | J. Hal Woodford, |
| Thomas Drewry, | Henry C. Miller, | James G. Yaden—57. |

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

The House took up for consideration from the orders of the day, a bill, entitled

S. B. 296. An act to amend an act for the benefit of Kuttawa Common School District, in Lyon county, which was approved May 1, 1884.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 6 of an act for the benefit of Kuttawa common school district, in Lyon county, being chapter 1201, and approved May 1, 1884, be amended and re-enacted by striking from said section these words: "On the last Saturday in June, 1884," and insert in lieu thereof these words: "On the first Saturday in October, 1906." So that said section, as amended and re-enacted, will read as follows:

"On the first Saturday in October, 1906, an election shall be held, at a convenient place in the town of Kuttawa, between the hours of nine, ante meridian, and six post meridian, for the purpose of electing four members of the board of education."

Ordered, That the title of said bill be as aforesaid.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage f said bill, in accordance with the provision of the Constitution, were as follows viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | Thomas Drewry, | Henry G. Overstreet, |
| Louis W. Arnett, | Taylor P. Gabbard, | M. M. Redwine, |
| John Barr, | A. J. Gorham, | J. M. Robertson, |
| E. Barry, | John C. Griffith, | Richard S. Rose, |
| W. G. Baxter, | Paul Gullion, | S. M. Russell, |

| | | |
|---|---|---|
| Charles C. Beard, | James A. Hagan, | R. C. Simmons, |
| B. O. Becker, | D. C. Hopper, | W. H. Southall, |
| H. Kirby Bourne, | Wm. F. Klair, | Zeb. A. Stewart, |
| I. F. Campbell, | Geo. D. Litsey, | George W. Stone, |
| Bennett Clarke, | H. M. McCarty, | C. F. Thornton, |
| J. W. Clay, | Virgil McKnight, | Harry Weitkamp, |
| W. D. Claybrooke, | M. H. McLean, | T. A. Weldon, |
| Sam. D. Cochran, | Henry C. Miller, | W. T. White, |
| H. K. Cole, | Chris Mueller, | Geo. S. Wilson, |
| W. H. Cole, | J. M. Mitchell, | Munnell Wilson, |
| Charles I. Dawson, | James S. Morris, | W. T. Wright, |
| A. L. Denny, | W. J. Osborne, | James C. Yaden—51. |
| Lawrence J. Diskin, | Ed. H. Shellman, | |

In the negative—J. T. Royalty.

Resolved, That the title of bill be as aforesaid.

Mr. Stewart moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the clerk's desk, a bill, entitled

H. B. 327. An act to provide for proper recognition of proficiency acquired by students who attend the normal department of the Agricultural and Mechanical College of Kentucky.

Together with an amendment proposed thereto by the Senate.

(For bill see House Journal February 13th.)

Amendment as proposed by the Senate to said bill, is as follows, viz.:

Amend by adding at the end of section 1, the following: "The board of trustees of the said college may issue certificates to students who complete a course of study in the normal department thereof equivalent in extent to the course now required by the State Board of Examiners for a State diploma, and such certificate when issued shall authorize and entitle the holder thereof to teach

in the public schools of Kentucky without further examination, until revoked for sufficient cause by the said trustees or the Superintendent of Public Instruction, or by a county superintendent of schools.

To those who complete a course in the said normal department equal in extent to that now required by the State Board of Examiners for a State certificate, the said board of trustees may issue certificates which shall authorize the holders thereof to teach in the public schools of Kentucky for a period of two years, unless revoked for cause by the said trustees, Superintendent of Public Instruction or county superintendent of schools."

Said amendment was concurred in.

Said bill as amended was then passed.

The yeas and nays being taken on the passage of said bill as amended in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | John C. Griffith, | V. W. Morris, |
| Louis W. Arnett, | Paul Gullion, | Ed. Mulcahy, |
| John Barr, | James A. Hagan, | W. J. Osborne, |
| E. Barry, | W. C. Halbert, | C. M. Paynter, |
| W. G. Baxter, | Albert Hamilton, | J. M. Robertson, |
| Peter Best, Jr., | J. A. Hamon, | J. T. Royalty, |
| Joe F. Bosworth, | C. W. G. Hannah, | S. M. Russell, |
| H. Kirby Bourne, | L. P. Head, | T. J. Slaton, |
| M. F. Campbell, | D. C. Hopper, | W. H. Southall, |
| N. B. Chipman, | W. J. Jackson, | Hub L. Stevens, |
| W. D. Claybrooke, | L. F. Johnson, | Zeb. A. Stewart, |
| Charles I. Dawson, | W. H. Jones, | George W. Stone, |
| Lawrence J. Diskin, | Wm. F. Klair, | C. F. Thornton, |
| Thomas Drewry, | Geo. D. Litsey, | Harry Weitkamp, |
| W. Reed Embry, | H. M. McCarty, | T. A. Weldon, |
| Robert Enlow, | Virgil McKnight, | John B. Wicker, |
| M. T. Freeman. | Henry C. Miller, | Munnell Wilson, |

| | | |
|---|---|---|
| Taylor P. Gabbard, | R. W. Miller, | Wm. Wilt, |
| Lloyd W. Gates, | Chris Mueller, | James C. Yaden—59. |
| A. J. Gorham, | J. M. Mitchell, | |

Those who voted in the negative were—

W. H. Cole, Henry G. Overstreet, A. J. Thompson—3.

The House took up for consideration from the clerk's desk a bill, entitled

H. B. 377. An act to provide for the appointment of a State printing superintendent, defining his duties and providing compensation therefor.

Together with an amendment proposed thereto by the Senate.

(For bill see House Journal of March 5th.)

The amendment as proposed thereto by the Senate is as follows, viz.:

Insert in line 2 "1906" instead of "1908."

Said amendment was concurred in.

Said bill as amended was then passed.

The yeas and nays being taken on the passage of said bill, as amended, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | James A. Hagan, | R. C. Simmons, |
| John Barr, | W. C. Halbert, | Emmet P. Slattery, |
| W. G. Baxter, | Albert Hamilton, | W. H. Southall, |
| Joe F. Bosworth, | J. A. Hamon, | Zeb. A. Stewart, |
| M. F. Campbell, | L. P. Head, | George W. Stone, |
| Bennett Clarke, | L. F. Johnson, | C. C. Terry, |
| J. W. Clay, | Wm. F. Klair, | A. J. Thompson, |
| W. D. Claybrooke, | Geo. D. Litsey, | C. F. Thornton, |
| Sam. D. Cochran, | H. M. McCarty, | Harry Weitkamp, |

| | | |
|---|---|---|
| Charles I. Dawson, | Virgil McKnight, | T. A. Weldon, |
| Lawrence J. Diskin, | J. M. Mitchell, | John B. Wicker, |
| W. Reed Embry, | James S. Morris, | Geo. S. Wilson, |
| Robert Enlow, | Ed. Mulcahy, | Munnell Wilson, |
| J. A. Frazier, | W. J. Osborne, | J. Hal Woodford, |
| M. T. Freeman, | C. M. Paynter, | W. T. Wright, |
| Taylor P. Gabbard, | J. T. Royalty, | James C. Yaden, |
| A. J. Gorham, | Ed. H. Shellman, | Will A. Young—52. |
| John C. Griffith, | | |

Those who voted in the negative were—

| | | |
|---|---|---|
| W. J. Jackson, | V. W. Morris, | John R. Ray—3. |

Mr. Gooch, of the House conferees appointed to act with the conferees of the Senate for the purpose of considering and settling the matters of disagreement bteween the two Houses relative to a bill, entitled

H. B. 1. An act relating to revenue and taxation.

Offered the following report of said committee of conference viz.:

To the Senate and House of Representatives:

We, the undersigned conferees, appointed by the Senate and House of Representatives, to take into consideration and adjust and settle the matters of disagreement between the Houses relative to a bill which originated in the House of Representatives, entitled

H. B. 1. An act relating to revenue and taxation, respectfully submit the following agreements and recommendations, viz.:

1. We agree and recommend that the House or Representatives concur in Senate amendments Nos. 7, 30, 33, 35, 39, 54 and 58, as set out in House Journal of March 12, 1906.

2. That Senate amendment No. 53 be amended by striking therefrom the words "and if the court be of opinion that such proceeding was instituted without reasonable or probable cause, it shall so state," also strike out the words "legal" and "extraordi-

nary" where they appear in said amendment. And that said amendment be concurred in.

3. That the words "except purchase money notes, mortgage notes and other liens for money due or to be paid, owned by banks or trust companies," after the word "paid," in line 4, section 10, article 2, page 11 of the printed bill.

4. That the Senate recede from Senate amendments Nos. 41, 51 and 55.

5. That the House of Representatives refuse to concur in Senate amendment No. 49, and that the Senate refuse to recede therefrom.

6. That all that part of section 1, subdivision 4, of article 12, beginning with line 350, and ending with and including line 405, be striken out. Said portion stricken out is as follows, viz.:

Every corporation, association, company, co-partnership or individual engaged in this State in the business or occupation of compounding, rectifying, adulterating or blending distilled spirits known and designated as single stamp spirits shall pay to the Commonwealth of Kentucky a license tax of one and one-half cents upon every wine gallon of such compounded, rectified, blended or adulterated distilled spirits.

It shall be the duty of each corporation, association, company, co-partnership or individual engaged in this State in the business or occupation of compounding, rectifying, adulterating or blending distilled spirits, known and designated as single stamp spirits, to make and deliver to the Auditor of Public Accounts, on the 30th day of June, 1906 (or within ten days thereafter), and at the end of each six months thereafter, a report sworn to, stating his name, place of business and the number of gallons, standard measure, of compounded, rectified, adulterated or blended distilled spirits, known and designated as single stamp spirits, made during the six months then ended, and at the same time pay into the State Treasury, through the auditor, the amount of taxes due the State, as imposed by the last preceding section.

Before any corporation, association, company, co-partnership or individual shall engage in the business or occupation of compounding, rectifying, adulterating or blending, in this State, he shall notify the Auditor of Public Accounts of his intention to engage in such business or occupation. The notice shall contain the name and place of residence of such corporation, association, company, co-partnership or individual and the approximate number of wine gallons of such compounded, rectified, adulterated or blended spirits the applicant contemplates making prior to the first date at which he is required to report the number of gallons made to the Auditor of Public Accounts under this act.

Upon receipt of such notice by the Auditor of Public Accounts, he shall issue to such applicant a certificate, showing that he has complied with this act. Any corporation, association, company, co-partnership or individual, who shall engage in the business of compounding, rectifying, adulterating or blending distilled spirits, known and designated as single stamp spirits, without first receiving said certificate herein provided for from the Auditor of Public Accounts, shall be guilty of a misdemeanor and subject to indictment in the Franklin Circuit Court, and fined any sum not less than five hundred dollars nor more than two thousand dollars.

Upon the payment of the license tax to the treasurer, through the Auditor of Public Accounts, as provided in this article, the Auditor of Public Accounts shall issue to such corporation, association, company, co-partnership or individual authority to continue in the business or occupation of compounding, rectifying, adulterating or blending distilled spirits, known and designated as single stamp spirits, if such authority is desired, of six months or until the date provided for in this article when reports are to be made.

Any compounder, rectifier or blender liable for the taxes imposed by this act, or embraced by its provisions, who shall fail or refuse to make and deliver to the Auditor of Public Accounts a sworn report as required by section 2 of this article shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than five hundred dollars nor more than two thousand dollars

for each offense, to be recovered by indictment in the Franklin Circuit Court, and shall forfeit his right to engage in said business.

7. That the following words, "except the act of 1904, approved March 24, 1904, which is chapter 104, of session acts 1904, fixing a tax of fifty cents on each barrel of blended or rectified whisky, which act is not hereby repealed but left in force as it now is," be inserted after the word "repealed" in line 2, section 19, article 19.

March 13, 1906.

BEN. JOHNSON,
CONN LINN,
HARRY LANCASTER,
Conferees on part of the Senate.
W. J. GOOCH,
M. M. REDWINE,
JAMES S. MORRIS,
Conferees on part of the House of Representatives.

Mr. Drewry offered the following motion, viz.:

Resolved, That the House ask further conference with conferees on the part of the Senate with reference to the pending disagreement on Senate amendment 49 "the rectified whisky" license; and

Resolved, further, That the House conferees are hereby authorized and instructed to submit to the Senate conferees a proposition to make said license one-half cent. per wine gallon on all rectified and blended whisky manufactured in this State.

Mr. Bourne offered the following amendment to Mr. Drewry's motion, viz.:

Amend by striking out one-half of one cent. and inserting in lieu thereof three-fourth of one cent.

Said amendment was disagreed to.

The motion as made by Mr. Drewry was then disagreed to.

The above named report of the committee of conference was agreed to.

The above mentioned bill as amended by said report was then passed.

The yeas and nays being taken on the passage of said bill as amended in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

J. M. Alverson,
Louis W. Arnett,
John Barr,
W. G. Baxter,
B. O. Becker,
Joe F. Bosworth,
H. Kirby Bourne,
W. T. Cain,
M. F. Campbell,
J. W. Clay,
W. D. Claybrooke,
H. K. Cole,
Henry M. Cox,
Ed. Croan,
Charles I. Dawson,
Thomas Drewry,
W. Reed Embry,
J. A. Frazier,
W. J. Gooch,
Paul Gullion,
James A. Hagan,
L. P. Head,
L. F. Johnson,
Geo. D. Litsey,
H. M. McCarty,
Virgil McKnight,
M. H. McLean,
Henry C. Miller,
R. W. Miller,
Chris Mueller,
J. M. Mitchell,
James S. Morris,
Ion B. Nall,
M. M. Redwine,
J. M. Robertson,
J. T. Royalty,
S. M. Russell,
Ed. H. Shellman,
R. C. Simmons,
T. J. Slaton,
Emmet P. Slattery,
W. H. Southall,
Hub L. Stevens,
Zeb. A. Stewart,
George W. Stone,
A. J. Thompson,
C. F. Thornton,
T. A. Weldon,
John B. Wicker,
Geo. S. Wilson,
Munnell Wilson,
W. T. Wright,
Speaker Lawrence—53

Those who voted in the negative were—

E. Barry,
Charles C. Beard,
Peter Best, Jr.,
Roger P. Blair,
N. B. Chipman,
Bennett Clarke,
Sam. D. Cochran,
W. H. Cole,
A. L. Denny,
A. J. Gorham,
John C. Griffith,
W. C. Halbert,
Albert Hamilton,
J. A. Hamon,
C. W. G. Hannah,
D. C. Hopper,
W. J. Jackson,
W. H. Jones,
Henry G. Overstreet,
C. M. Paynter,
John R. Ray,
Richard S. Rose,
W. W. Smith,
Harry Weitkamp,
W. T. White,
J. T. Wilson,
Wm. Wilt,

Lawrence J. Diskin, V. W. Morris, J. Hal Woodford,
Robert Enlow, Ed. Mulcahy, James C. Yaden—35.
Taylor P. Gabbard, W. J. Osborne,

And then the House adjourned until 7:30 o'clock to-night.

## NIGHT SESSION.

At 7:30 o'clock p. m., the House met pursuant to adjournment.

Mr. Stewart offered the following resolution, viz.:

Resolved, That the House of Representatives tender its thanks to E. B. Weitzel, manager of the Capital Hotel, and the members of the Frankfort lodge of Elks for the use of their rooms so kindly tendered to the various committees for committee meetings during the present session.

Said resolution was agreed to.

A message was received from the Senate announcing that they had concurred in amendments proposed by the House of Representatives to bills which originated in the Senate of the following titles, viz.:

S. B. 96. An act to amend and re-enact section 12 of an act, entitled "An act concerning the militia of the Commonwealth of Kentucky," approved March 13, 1893, being section 2663 of the Kentucky Statutes.

S. B. 226. An act to amend sections 21 and 26 of article 6 of an act, entitled "An act for the government of cities of the second class in the Commonwealth of Kentucky," approved March 19, 1894, said sections being sections 3166 and 3171, respectively, of the Kentucky Statutes, 1903.

And that they had passed said bills as amended.

The House took up for consideration, from the orders of the day, a resolution, entitled

S. Res. 24. Resolution for the benefit of the ministers of the Gospel at Frankfort.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the sum of three hundred dollars be, and the same is hereby, appropriated out of any funds in the treasury, not otherwise appropriated, to be paid to the ministers of the Gospel who have opened the sessions of the Senate and House with prayer during the present session.

2. Said amount shall be paid to the clerk of the Senate, upon warrant of the auditor upon the treasurer, which warrant shall be drawn by the auditor upon presentation to him of a duly certified copy of this resolution. Said amount shall be distributed by the clerk among the respective persons entitled thereto.

3. Whereas, It is just and right that this compensation should be promptly paid, an emergency exists, and this resolution shall take effect from and after its adoption.

Ordered that said resolution be read the third time.

The provision of the Constitution as to the third reading of said resolution, at length, being dispensed with, said resolution was read the third time by its title and concurred in.

The yeas and nays being taken on concurring in said resolution, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | John C. Griffith, | J. T. Royalty, |
| John Barr, | James A. Hagan, | Ed. H. Shellman, |
| W. G. Baxter, | Albert Hamilton, | T. J. Slaton, |
| Charles C. Beard, | C. W. G. Hannah, | Emmet P. Slattery, |
| Joe F. Bosworth, | L. P. Head, | W. H. Southall, |
| W. T. Cain, | D. C. Hopper, | Hub L. Stevens, |

M. F. Campbell,
Bennett Clarke,
J. W. Clay,
W. D. Claybrooke,
Sam. D. Cochran,
Charles I. Dawson,
A. L. Denny,
Lawrence J. Diskin,
Thomas Drewry,
W. Reed Embry,
Robert Enlow,
J. A. Frazier,
Taylor P. Gabbard,
Lloyd W. Gates,
W. J. Gooch,
A. J. Gorham,
W. J. Jackson,
W. H. Jones,
Wm. F. Klair,
Geo. D. Litsey,
H. M. McCarty,
Virgil McKnight,
Chris Mueller,
J. M. Mitchell,
V. W. Morris,
James S. Morris,
Ed. Mulcahy,
W. J. Osborne,
C. M. Paynter,
John R. Ray,
J. M. Robertson,
Zeb. A. Stewart,
George W. Stone,
C. C. Terry,
A. J. Thompson,
C. F. Thornton,
Harry Weitkamp,
T. A. Weldon,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Wm. Wilt,
J. Hal Woodford,
James C. Yaden,
Will A. Young—64.

In the negative—none.

Resolved, That the title of said resolution be as aforesaid.

The House took up for consideration, from the orders of the day, a bill, entitled

S. B. 39. An act to amend section 8 of an act, entitled "An act creating fiscal courts in the several counties of this Commonwealth," approved October 17, 1892.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 8 of an act, entitled "An act creating fiscal courts in the several counties of this Commonwealth," approved October 17, 1892, be, and the same is now amended, so that said section shall read as follows:

"The fiscal court shall have jurisdiction to appropriate county funds authorized by law to be appropriated; to erect and keep in repair necessary public buildings, secure a sufficient jail, and a comfortable and convenient place for holding court at the county

seat; to erect and keep in repair bridges and other structures and superintend the same, to regulate and control the fiscal affairs and property of the county, to make provisions for the maintenance of the poor, and provide a poor house and farm and provide for the care, treatment and maintenance of the sick, poor, and provide a hospital for said purpose, or contract with any hospital in the county to do so, and provide for the good condition of the highways in the county and appropriate county funds to make provision to secure immigration into the county, and to advertise the resources of the county, and to appropriate county funds for the benefit of colleges and for infirmaries for the sick located in the county, and to execute all of its orders consistent with the law and within its jurisdiction, and shall have jurisdiction of all such other matters relating to the levying of taxes, as is by any special act now conferred on the county court of levy and claims."

Ordered that said bill be read the third time.

The provision of the Constitution as t othe third reading of said bill, at length, being dispensed with, said bills was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | W. J. Gooch, | J. M. Robertson, |
| John Barr, | A. J. Gorham, | R. C. Simmons, |
| W. G. Baxter, | John C. Griffith, | T. J. Slaton, |
| Charles C. Beard, | Paul Gullion, | W. H. Southall, |
| B. O. Becker, | James A. Hagan, | Hub L. Stevens, |
| H. Kirby Bourne, | Albert Hamilton, | Zeb. A. Stewart, |
| Bennett Clarke, | L. P. Head, | George W. Stone, |
| W. D. Claybrooke, | Wm. F. Klair, | C. C. Terry, |
| Charles I. Dawson, | Geo. D. Litsey, | T. A. Weldon, |
| A. L. Denny, | H. M. McCarty, | W. T. White, |
| Lawrence J. Diskin, | Virgil McKnight, | John B. Wicker, |

| | | |
|---|---|---|
| Thomas Drewry, | R. W. Miller, | Geo. S. Wilson, |
| W. Reed Embry, | James S. Morris, | James C. Yaden, |
| J. A. Frazier, | M. M. Redwine, | Will A. Young—43. |
| Taylor P. Gabbard, | | |

Those who voted in the negative were—

| | | |
|---|---|---|
| Robert Enlow, | John R. Ray, | C. F. Thornton, |
| W. J. Jackson, | Richard S. Rose, | J. Hal Woodford—8. |
| C. M. Paynter, | J. T. Royalty, | |

Resolved, That the title of said bill be as aforesaid.

Mr. Arnett moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

S. B. 40. An act to amend subsection 1, article 4, of an act for the government of cities of the second class in the Commonwealth of Kentucky, aproved March 19, 1894, being subsection 27 of section 3058, of the Kentucky Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That subsection 27, of section 1, article 4, of an act, entitled "An act for the government of cities of the second class in the Commonwealth of Kentucky," being subsection 27, section 3058, of the Kentucky Statutes, be, and the same is now, amended so that said subsection 27 shall read as follows:

"To appropriate money and to provide for the payment of the debts and expenses of the city, which may include appropriations for advertising its trade, commerce and manufactures and commercial resources of the city."

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | M. T. Freeman, | J. M. Robertson, |
| Louis W. Arnett, | Taylor P. Gabbard, | J. T. Royalty, |
| John Barr, | W. J. Gooch, | R. C. Simmons, |
| W. G. Baxter, | A. J. Gorham, | T. J. Slaton, |
| B. O. Becker, | Paul Gullion, | W. H. Southall, |
| Joe F. Bosworth, | James A. Hagan, | Hub L. Stevens, |
| W. T. Cain, | C. W. G. Hannah, | Zeb. A. Stewart, |
| M. F. Campbell, | L. P. Head, | George W. Stone, |
| Bennett Clarke, | Wm. F. Klair, | C. C. Terry, |
| W. D. Claybrooke, | H. M. McCarty, | A. J. Thompson, |
| Sam. D. Cochran, | Chris Mueller, | Harry Weitkamp, |
| Charles I. Dawson, | J. M. Mitchell, | W. T. White, |
| Lawrence J. Diskin, | James S. Morris, | W. T. Wright, |
| Thomas Drewry, | W. J. Osborne, | James C. Yaden, |
| Robert Enlow, | C. M. Paynter, | Will A. Young—47. |
| J. A. Frazier, | John R. Ray, | |

Those who voted in the negative were—

| | | |
|---|---|---|
| D. C. Hopper, | W. H. Jones, | V. W. Morris—4. |
| W. J. Jackson, | | |

Resolved, That the title of said bill be as aforesaid.

Mr. Arnett moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to

The House took up for consideration, from the orders of the day, a bill, entitled

S. B. 137. An act appropriating money for the erection of a new hospital, with suitable tuberculosis wards, operating rooms and other necessary equipments at the State penitentiary at Frankfort, Kentucky, and for the equipment of the hospital for a chapel.

Said bill is as follows, viz.:

Whereas, The prison commissioners, chaplain and physician urgently set forth the need of the erection and equipment of a new hospital, and the equipment of the present hospital for a chapel at the State penitentiary at Frankfort, Ky., and as the present hospital is over the dining room, and the commingling of the sick and well daily occurs, in spite of every precaution, which causes the spread of disease, and would be disastrous in case of epidemic among the inmate; and as the heat is annoying and renders these rooms unfit for a hospital, and as the present chapel is entirely inadequate and poorly equipped for religious services; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of $20,000, or so much thereof as may be necessary, is hereby appropriated out of the revenue of the Commonwealth of Kentucky, to be expended by the board of prison commissioners in adding two stories to the present chapel, with all modern equipments for a hospital, and in converting the present hospital into a chapel, with such equipments as will facilitate and encourage religious worship.

§ 2. Said prison commissioners shall employ competent architects to draw plans and specifications, advertise for bids, and let the work to the lowest and best bidders.

§ 3. This money so appropriated, or so much thereof as may be needed, shall be paid upon warrants drawn upon the Auditor of Public Accounts by the prison commissioners in favor of the contractor as the work progresses; and full and final settlement to be filed with the auditor when the work is completed.

Mr. Drewry offered the following amendment to said bill, by way of substitute therefor, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of $20,000, or so much thereof as may be necessary, is hereby appropriated out of the revenues of the Commonwealth of Kentucky, to be expended by the board of prison commissioners in adding two stories to the present chapel, within the walls of the penitentiary at Frankfort, with all modern equipment for a hospital, and in converting the present hospital into a chapel, with such equipments as will facilitate and encourage religious worship.

§ 2. That the sum of $22,000, or so much thereof as may be necessary, is hereby appropriated out of the revenues of the Commonwealth of Kentucky, to be used in the erection of a suitable brick building within the walls of the State penitentiary at Frankfort, which building shall be a duplicate of the building adjacent and on the east and parallel to the old wooden building; the new building to be used as workshop, water closets,, bucket rooms, etc.

§ 3. That the sum of $11,000, or so much thereof as may be necessary, is hereby appropriated out of the revenues of the Commonwealth of Kentucky for raising the roof and extending the three sections of the broom shop and one section of the main chair shop building within the walls of the penitentiary at Frankfort.

§ 4. That the sum of $7,000, or so much thereof as may be necessary, is hereby appropriated out of the revenues of the Commonwealth of Kentucky for the installation of a dust-collector in the workshops at the State penitentiary at Frankfort, Ky.

§ 5. That the sum of $5,000, or so much thereof as may be necessary, is appropriated out of the revenues of the Commonwealth of Kentucky for the purpose of erecting, furnishing and equipping a tuberculosis hospital at the branch penitentiary at Eddyville, Ky.

§ 6. The Board of Prison Commissioners shall employ a competent architect to draw plans and specifications for such buildings

and other improvements herein provided for and shall advertise for bids and let the contract or contracts to the lowest and best bidder or bidders.

§ 7. The money so appropriated for said purposes, or so much thereof as may be necessary, shall be paid upon warrants drawn upon the Auditor of Public Accounts by the Prison Commissioners in favor of the contractor or contractors as the work progresses; and full and final settlement shall be filed with the Auditor when the work is completed.

Said substitute was agreed to.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and as amended passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | L. P. Head, | S. M. Russell, |
| Louis W. Arnett, | D. C. Hopper, | Ed. H. Shellman, |
| John Barr, | L. F. Johnson, | R. C. Simmons, |
| W. G. Baxter, | Wm. F. Klair | T. J. Slaton, |
| Joe F. Bosworth, | H. M. McCarty, | Emmet P. Slattery, |
| N. B. Chipman, | Virgil McKnight, | W. H. Southall, |
| Bennett Clarke, | Henry C. Miller, | Hub L. Stevens, |
| W. D. Claybrooke, | R. W. Miller, | Zeb. A. Stewart, |
| Sam. D. Cochran, | Chris Mueller, | George W. Stone, |
| Charles I. Dawson, | J. M. Mitchell, | C. C. Terry, |
| Lawrence J. Diskin, | V. W. Morris, | A. J. Thompson, |
| Thomas Drewry, | James S. Morris, | C. F. Thornton, |
| W. Reed Embry, | Ed. Mulcahy, | Harry Weitkamp, |
| Robert Enlow, | Ion B. Nall, | W. T. White, |
| J. A Frazier, | W. J. Osborne, | John B. Wicker, |
| Taylor P. Gabbard, | Henry G. Overstreet, | Geo. S. Wilson, |

A. J. Gorham, C. M. Paynter, J. T. Wilson,
John C. Griffith, John R. Ray, Munnell Wilson,
Paul Gullion, M. M. Redwine, W. T. Wright,
James A. Hagan, J. M. Robertson, James C. Yaden,
Albert Hamilton, J. T. Royalty, Will A. Young—64.
C. W. G. Hannah,

Those who voted in the negative were—

Peter Best, Jr., W. J. Jackson, Richard S. Rose—4.
W. T. Cain,

Resolved, That the title of said bill be as follows, viz.:

S. B. 137. An act for the benefit of the penitentiaries at Frankfort and Eddyville and appropriating money for the erection of necessary buildings and improvements at said penitentiaries.

Mr. Drewry moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill, entitled

S. B. 124. An act to amend and re-enact sections 1546 and 1547 of the Kentucky Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sections 1546 and 1547 of the Kentucky Statutes be amended and re-enacted so as to read as follows:

"§ 1546. The Legislature which shall be chosen next preceding the expiration of the time for which any Senator was elected to represent this Commonwealth in Congress shall, on the second Tuesday after the meeting and organization thereof, not counting the Tuesday on which the General Assembly convenes, proceed to elect a Senator in Congress, in place of such Senator going out of

office in the following manner: Each House shall openly, by viva voce vote of each member present, name one person for Senator in Congress from said State; and the name of the person so voted for who shall have a majority of the whole number of votes cast in each House shall be entered on the Journal of each House by the clerk or secretary thereof; but if either House fail to give such majority to any person on said day, that fact shall be entered on the Journal. At 12 o'clock, meridian, of the day following that on which proceedings are required to take place, as aforesaid, the members of the two Houses shall convene in joint assembly, and the Journal of each House shall be read; and if the same person shall have received a majority of all the votes in each House, such person shall be declared duly elected Senator to represent said State in the Congress of the United States; but if the same person shall not have received a majority of the votes in each House, or if either House shall have failed to take proceedings, as required by this section, the joint assembly shall then proceed to choose, by viva voce vote of each member present, a person for the purpose aforesaid; and the person having a majority of all the votes of said joint assembly, a majority of all the members elected to each House being present and voting, shall be declared duly elected; and in case no person shall receive any such majority on the first day, the joint assembly shall meet at 12 o'clock, meridian, of each succeeding day during the session of the Legislature, and take at least one vote until a Senator shall be elected.

"§ 1547. Whenever, on the meeting of the Legislature of this State, a vacancy shall exist in the representation of said State in the Senate of the United States, said Legislature shall, on the second Tuesday after the commencement and organization of its session, not counting the Tuesday on which the General Assembly convenes, proceed to elect a person to fill such vacancy, in the manner herein provided for the election of a Senator for the full term; and if a vacancy shall happen during the session of the Legislature, then such election shall be had on the second Tuesday af-

ter the Legislature shall have been organized, and shall have notice of the vacancy, not counting the Tuesday on which the Legislature convenes.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | James A. Hagan, | S. M. Russell, |
| Louis W. Arnett, | W. C. Halbert, | Ed. H. Shellman, |
| John Barr, | Albert Hamilton, | T. J. Slaton, |
| W. G. Baxter, | J. A. Hamon, | Emmet P. Slattery, |
| B. O. Becker, | L. P. Head, | Zeb. A. Stewart, |
| Roger P. Blair, | D. C. Hopper, | George W. Stone, |
| H. Kirby Bourne, | L. F. Johnson, | C. C. Terry, |
| N. B. Chipman, | W. H. Jones, | A. J. Thompson, |
| Bennett Clarke, | Wm. F. Klair, | C. F. Thornton, |
| W. D. Claybrooke, | Geo. D. Litsey, | Harry Weitkamp, |
| Sam. D. Cochran, | H. M. McCarty, | T. A. Weldon, |
| Lawrence J. Diskin, | R. W. Miller, | John B. Wicker, |
| Thomas Drewry, | J. M. Mitchell, | Geo. S. Wilson, |
| W. Reed Embry, | V. W. Morris, | J. T. Wilson, |
| Robert Enlow, | James S. Morris, | Munnell Wilson, |
| J. A. Frazier, | Ed. Mulcahy, | Wm. Wilt, |
| Taylor P. Gabbard, | W. J. Osborne, | J. Hal Woodford, |
| A. J. Gorham, | C. M. Paynter, | James G. Yaden—56. |
| Paul Gullion, | J. T. Royalty, | |

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

Mr. Arnett moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill, entitled

S. B. 100. An act creating a State Board of Agriculture, Forestry and Immigration, specifying the duties thereof and appropriating money therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sections 37 and 38 of chapter 4 of the Kentucky Statutes, being a part of an act of April 2, 1894, be, and the same is hereby, repealed and the following enacted in lieu thereof.

§ 2. That there be, and is hereby, created a State Board of Agriculture, Forestry and Immigration, to consist of nine members, namely the Commissioners of Agriculture, Labor and Statistics, ex-officio chairman; the Director of the Kentucky Experiment Station at Lexington, Ky., an ex-officio member, and one intelligent citizen from each of the appellate court districts in the State, to be selected and hold office as hereinafter provided. Said members from the appellate districts to be experienced and practical farmers.

§ 3. Upon the passage of this act, the Governor shall appoint, first, the Director of the Experiment Station to serve until the 1st of January, 1908, and shall re-appoint him every four years thereafter: Provided, That should the Director of the Experiment Station resign or be removed from the office of Director of said station, this fact shall terminate his membership on the said board, and the Governor shall appoint his successor as Director of the Experiment Station as his successor on said board; and, second, seven members, one from each appellate court district, two of whom shall serve until the first day of March, 1907; two of whom shall serve until the first day of March, 1908, and two of whom shall serve until the first day of March, 1909, and one of whom shall serve until the

first day of March, 1910, or until their successors are elected and qualified as provided hereinafter.

§ 4. At their first meeting, said appointees shall determine by lot the two whose term of office shall expire in 1907, the two whose term of office shall expire in 1908, the two whose term of office shall expire in 1909, and the one whose term of office shall expire in 1910. The members of this board shall meet at Frankfort at least once every two months, or at such other place as they may agree upon to consider the general agricultural, horticultural, forestry and other industrial interests of the State and to take the necessary steps for carrying out the provisions of this act. The commissioner, as chairman of the board, may call their meetings and shall have power to adjourn both regular and call meetings. Five members shall constitute a quorum and are authorized to transact business. The moneys expended by the said board, shall have the approval of a majority of the board, and every voucher set forth for what the money was paid.

§ 5. It shall be the duty of the Commissioner of Agriculture, Labor and Statistics with the approval of said board to see that a farmers' and an industrial institute of at least two days' duration is held in each county of the State annually. The institute shall be advertised at least one month before convening and an effort shall be made to interest and instruct the farmers in the most profitable and approved methods in agriculture and horticulture and awaken an interest in the industrial development of the State generally. This institute shall be used as a means of gathering the people together, of ascertaining their names and post offices, learning the people together, of ascertaining their names agriculture and other industrial lines and of distributing literature upon these subjects. The county institute shall select one or more crop reporters from each magisterial district in the county to serve for one year without pay, whose duty shall be to report to the Commissioner of Agriculture, Labor and Statistics monthly the acreage and condition of crops and such other information as he, under the law, may ask them.

Each county institute shall elect one or more delegates to the State institute as provided for in the next section of this act.

§ 6. Said commissioner shall cause to be held at Frankfort, or some other convenient place as said board may agree upon, between the first day of January and the first day of March of each year, a State Industrial Institute for the farmers and others interested in the industrial development of the State, of at least three days duration, at which only county delegates shall be entitled to vote, each county having one vote. Said commissioner shall be furnished the name and postoffice address of each county delegate by the secretary of the county institute, and each delegate shall be notified of the time and place of holding the State institute at least ten days before same shall convene.

§ 7. The first State institute shall be held in 1907, at which two citizens shall be elected from the appellate court districts by delegates of these respective districts as members of the State Board of Agriculture, Forestry, and Immigration for a period of four years, to fill the vacancies occurring by the expiration of the term of office of the two members appointed by the Governor to serve until March 1, 1907, and each year thereafter the delegates to the State institute from the respective appellate districts shall elect a member of the board for a term of four years to fill the vacancy which shall occur on the 1st of March of the same year. The Governor shall appoint a member to fill any vacancies that may occur at any time, but said member shall only serve until the next State institute, when the delegates from that district shall elect as before to fill out the unexpired term.

The Governor, for just cause and for the good of agriculture and other interest of the State, may remove any member of the board, but he must state his reasons therefor in writing, and it must be approved by a majority of the board.

§ 8. This board in addition to duties specified shall act as an advisory board to the Commissioner of Agriculture, Labor and Statistics and shall aid him in the distribution of seed, as provided

by law, in the collection of information, concerning crops and in the promulgation of industrial information generally.

§ 9. Said board shall act as a Forestry Commission for the State and may expend out of the appropriation for their use as much as two thousand dollars each year for the purpose of furthering the Forestry interests of the State, or said board is authorized to arrange and contract with the Forestry Department of the United States Government, under such terms as they may deem advantageous to the State by which they may expend a sum not exceeding said two thousand dollars of the amount herein appropriated to be used in co-operative work, with the Forestry Department of the United States Government, provided a like sum is furnished for said purpose by said Government, but the use of this amount or any part of it for this purpose is not obligatory upon the board unless in their judgment, the State would profit thereby.

§ 10. Said board shall act as an immigration committee and shall collect information as to wages paid for labor in the different sections of the State and the kind of labor needed and shall cause the same to be printed and distributed. It shall also ascertain the class of immigrants coming to this State and shall collect statistics, showing as nearly as possible the number of persons and their destination emigrating from the State and the causes leading thereto. For the purposes specified in this section, they may expend as much as two thousand dollars annually of the amount appropriated in this act, but it is not obligatory upon them to expend any portion of the appropriation unless, in their judgment, it is necessary to do so in the furtherance of the welfare of the State.

§ 11. The Commissioner of Agriculture, Labor and Statistics may appoint a clerk and stenographer of the board subject to the approval of said board. The clerk shall be an able, well qualified man for the place and shall give his entire time to the service of the State. He may act as an assistant commissioner or as an instructor at the county institutes, but shall receive no additional pay therefor except his actual expenses, or perform other duties

assigned him by the commissioner. The commissioner shall collect each year a report of the work done by the State and county institutes or such part of the work as he may deem valuable information for the citizens. Twenty-five thousand copies of his institute report shall be published annually in book form, and shall be distributed free as nearly as possible in proportion to the agricultural population of the several counties, and the board is hereby authorized to have same printed. The board may expend as much as three thousand dollars per annum for salaries of clerks and stenographers which sum or any part thereof shall be paid out of the appropriation made for the use of this board.

§ 12. The members of this board shall receive five dollars per day and actual traveling expenses while attending meetings of the board, but the total number of days the board may be in session shall not exceed thirty per year.

§ 13. For the purpose of carrying out the provisions of this act, the sum of twenty thousand dollars per annum, in addition to the amount already appropriated for the benefit of the Bureau of Agriculture, Labor and Statistics, is hereby appropriated out of any money in the treasury not otherwise appropriated for the use of the said Bureau of Agriculture, Labor and Statistics. The clerk of the board shall certify to all expenditures of the board to the chairman who, in turn, shall certify them to the Governor for his approval and, upon his approval, he shall authorize the Auditor of Public Accounts to draw his warrant upon the treasurer for the amount.

§ 14. All laws or parts of laws in conflict with this act are, to the extent of such conflict, hereby repealed.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in ac-

cordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | A. J. Gorham, | C. M. Paynter, |
| B. O. Becker, | John C. Griffith, | M. M. Redwine, |
| Roger P. Blair, | Paul Gullion, | J. M. Robertson, |
| Joe F. Bosworth, | W. C. Halbert, | S. M. Russell. |
| M. F. Campbell, | Albert Hamilton, | R. C. Simmons, |
| J. W. Clay, | J. A. Hamon, | T. J. Slaton, |
| W. D. Claybrooke, | C. W. G. Hannah, | Hub L. Stevens, |
| Sam. D. Cochran, | L. P. Head, | George W. Stone, |
| H. K. Cole, | W. J. Jackson, | Harry Weitkamp, |
| Henry M. Cox, | L. F. Johnson, | T. A. Weldon, |
| Ed. Croan, | Wm. F. Klair, | John B. Wicker, |
| Charles I. Dawson, | Geo. D. Litsey, | Geo. S. Wilson, |
| Lawrence J. Diskin, | H. M. McCarty, | J. T. Wilson, |
| Thomas Drewry, | Henry C. Miller, | Munnell Wilson, |
| W. Reed Embry, | R. W. Miller, | J. Hal Woodford, |
| Taylor P. Gabbard, | Chris Mueller, | W. T. Wright, |
| Lloyd W. Gates, | Ed. Mulcahy, | James G. Yaden—53. |
| W. J. Gooch, | Henry G. Overstreet, | |

Those who voted in the negative were—

| | | |
|---|---|---|
| J. M. Alverson, | Robert Enlow, | Richard S. Rose, |
| John Barr, | James A. Hagan, | J. T. Royalty, |
| W. G. Baxter, | D. C. Hopper, | Emmet P. Slattery, |
| Peter Best, Jr., | J. M. Mitchell, | W. W. Smith, |
| W. T. Cain, | James S. Morris, | Zeb. A. Stewart, |
| N. B. Chipman, | Ion B. Nall, | A. J. Thompson, |
| Bennett Clarke. | John R. Ray, | Wm. Wilt—21. |

Resolved, That the title of said bill be as aforesaid.

The House took up for consideration from the orders of the day a bill, entitled

S. B. 101. An act to amend and re-enact an act, entitled An act to provide for the development of the live stock, agricultural and

kindred interests by the establishment and maintenance of a State Fair, being chapter 119b of the Kentucky Statutes, approved March 29, 1902.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to provide for the improvement and development of the live stock, agricultural and kindred interests by the establishment and maintenance of a State Fair," approved March 29, 1902, known as chapter 119b, Kentucky Statutes, be amended and re-enacted so as to read as follows:

"§ 1. That an annual State Fair for the exhibition of agricultural, mechanical, horticultural, dairy, forestry, poultry, live stock, mineral and all other industrial interests of the State be, and the same is hereby, created to be known as the Kentucky State Fair.

"§ 2. The management and control of this State Fair shall be in the hands of the State Board of Agriculture, Forestry and Immigration, and said board shall determine the time for holding said fair each year.

"Until said fair shall be permanently located, said board shall determine the place for holding said fair each year: Provided, That the city or county where said fair is proposed to be held for any year, or the citizens thereof, shall furnish and provide to the said board, not later than the 15th day of June, 1906, and thereafter, not later than the 15th day of May in each year, a bond or other good and sufficient security in the sum of ten thousand dollars to indemnify and guarantee said board against any loss which may be sustained by it in holding the fair for that year. Should the income from holding the fair for that year be insufficient to pay the expenses thereof for that year, then the said bond or other security, and the guarantors therein, shall be liable for, and subject to, the payment of the deficiency, not exceeding the amount of such bond or security: Provided, further, If, for any year in which the fair is held, at any place, the said board shall have funds on hand as

the profits of previous fairs held at said place, the same shall be applied to the payment of any loss sustained before the guarantors in the bond or other security above mentioned shall be liable for any sum. But the profits of any fair held at one place shall not be used to pay losses sustained in holding the fair at any other place until the guarantee fund or bond above provided for shall have been first applied to that purpose.

"As soon as practicable, said board shall advertise for, solicit and receive bids and propositions from the various cities and counties of the State for the permanent location of the State Fair, and said board shall determine upon a permanent location for said fair and shall permanently locate it at the city or place offering, in the judgment of said board, the best inducements for its permanent location, taking into consideration financial inducements, the geographical location of the place, its railroad facilities, and all other matters pertaining to, or which would affect, the permanent welfare and interests of said fair.

"When said board shall have determined upon a place for the permanent location of said fair, it shall have power to accept donations of lands or other thing of value, and may hold same by deed or contract for the use and benefit of said fair, and may purchase grounds and erect proper buildings and other improvements on same and on donated grounds and pay for same out of any funds it may have on hand from donations or profits from holding fairs, but shall not expend any part of the annual appropriation therefor. Said board shell keep any buildings thus owned by it insured in good and solvent fire insurance companies to the reasonable value of such buildings.

"Said board is authorized to accept the donations of lands or other thing of value, as above provided, conditioned upon the permanent location and continuation of said fair at the place making such donations and upon the continuation of the present State appropriation for said fair, and that said lands or other donations shall be returned to the city, county or individuals making same,

upon the discontinuance of said fair or said appropriation: Provided, Should any such donated grounds have been enhanced in value by the erection of improvements thereon by said board out of the funds of said fair or by the State, then the said board, or the State, shall be reimbursed and shall have a claim or lien upon said lands to the extent of the value of such improvements at the time of the discontinuance of said fair or said appropriation.

"§ 3. The sum of fifteen thousand dollars annually is hereby appropriated to be used for premiums alone, to be paid on or before the 1st day of July of each year, at which time the Auditor shall draw his warrant on the State Treasurer for said sum in favor of the chairman of said board. Said chairman shall execute bond to the State of Kentucky, to be approved by the Auditor, in the sum of fifteen thousand dollars, for the faithful disbursement of such money according to the provisions of this act. Said board shall, within sixty days after holding such annual State Fair, render to the Auditor of the State an itemized statement, showing the disbursement of such appropriation, which itemized statement shall be embodied in the State Auditor's report. The board of managers of the State Fair shall not give to any person a free pass or ticket to said State Fair, nor shall said board of managers allow any tickets sold at a price below that charged the general public.

"§ 4. Any part of the money unexpended shall be refunded by the chairman of said board to the State of Kentucky at the time of making the report required herein.

"§ 5. Any profits derived from the fair shall go into a sinking fund to be used for succeeding fairs or for the purchasing and providing of permanent grounds or buildings when permanently located by the State.

"§ 6. Any profits heretofore derived from said fair shall, upon demand of the chairman of the Board of Agriculture, Forestry and Immigration, be paid to said board by the treasurer of the Kentucky Live Stock Breeders' Association, or other person or per-

sons holding such profit, but said board shall, out of any funds thus turned over to it, pay off and discharge all just debts and obligations incurred by said Kentucky Live Stock Breeders' Association on account of said fair, when properly ascertained and presented to it, not exceeding, however, the amount turned over to it by said association.

"§ 7. All claims and demands due and belonging to the Kentucky Live Stock Breeders' Association on account of the Kentucky State Fair, or in any way pertaining thereto, are hereby transferred to, and vested in, the Board of Agriculture, Forestry and Immigration, with power to enforce collection by legal proceedings, compromise or other appropriate means, and with power to carry out any proceedings heretofore begun by the Kentucky Live Stock Breeders' Association, for the collection of any such demands."

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the tird time by its title and passed.

The yeas and nays being taken on the pasage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | W. Reed Embry, | Ed. Mulcahy, |
| Louis W. Arnett, | Robert Enlow, | C. M. Paynter, |
| John Barr, | Taylor P. Gabbard, | M. M. Redwine, |
| B. O. Becker, | W. J. Gooch, | J. M. Robertson, |
| Peter Best, Jr., | A. J. Gorham, | J. T. Royalty, |
| Roger P. Blair, | John C. Griffith, | S. M. Russell, |
| Joe F. Bosworth, | Paul Gullion, | R. C. Simmons, |
| H. Kirby Bourne, | Albert Hamilton, | Hub L. Stevens, |
| M. F. Campbell, | J. A. Hamon, | C. F. Thornton, |
| N. B. Chipman, | C. W. G. Hannah, | John B. Wicker, |
| J. W. Clay, | L. P. Head, | Geo. S. Wilson, |
| W. D. Claybrooke, | L. F. Johnson, | J. T. Wilson, |

| | | |
|---|---|---|
| Sam. D. Cochran, | Wm. F. Klair, | Munnell Wilson, |
| H. K. Cole, | H. M. McCarty, | Wm. Wilt, |
| Henry M. Cox, | M. H. McLean, | J. Hal Woodford, |
| Ed. Croan, | Henry C. Miller, | W. T. Wright, |
| Lawrence J. Diskin, | R. W. Miller, | James G. Yaden—53. |
| Thomas Drewry, | Chris Mueller, | |

Those who voted in the negative were—

| | | |
|---|---|---|
| W. G. Baxter, | J. M. Mitchell, | T. J. Slaton, |
| W. T. Cain, | V. W. Morris, | Emmet P. Slattery, |
| Bennett Clarke, | James S. Morris, | W. W. Smith, |
| James A. Hagan, | Ion B. Nall, | Zeb. A. Stewart, |
| D. C. Hopper, | Henry G. Overstreet, | George W. Stone, |
| W. J. Jackson, | John R. Ray, | C. C. Terry, |
| Geo. D. Litsey, | Richard S. Rose, | W. T. White—21. |

Resolved, That the title of said bill be as aforesaid.

The House took up for consideration from the order of the day a bill, entitled

S. B. 65. An act to amend and re-enact section 28 of article 5 of an act for the government of the cities of the second class in the Commonwealth of Kentucky, approved March 17, 1894, said section being section 3133 of the Kentucky Statutes of 1903.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 28 of article 5 of the act mentioned in the title of this act, said section being section 3133 of the Kentucky Statutes, 1903, be amended and re-enacted to read as follows:

"It shall be the duty of the city clerk, in person or by deputy, to attend all meetings of the general council, both in joint and separate sessions, and to keep a true record, properly indexed, of its proceedings; to promptly and without delay present to the mayor for his consideration and action all ordinances, resolutions or by-laws passed by the general council, taking the receipt of the mayor,

showing the date of delivery to the mayor, and shall also note of record the action of the mayor thereon. The clerk shall keep the seal of the city, and affix the same when required by law. General council may, by ordinance, create the office of deputy city clerk, fixing his term of office and compensation, and when said office is created, it shall be filled by appointment by the city clerk.

§ 2. This act shall take effect as provided by law.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | Thomas Drewry, | Chris Mueller, |
| Louis W. Arnett, | Robert Enlow, | James S. Morris, |
| John Barr, | Taylor P. Gabbard, | C. M. Paynter, |
| W. G. Baxter, | Lloyd W. Gates, | M. M. Redwine, |
| B. O. Becker, | W. J. Gooch, | S. M. Russell, |
| Roger P. Blair, | A. J. Gorham, | R. C. Simmons, |
| H. Kirby Bourne, | John C. Griffith, | Emmet P. Slattery, |
| N. B. Chipman, | Paul Gullion, | Zeb. A. Stewart, |
| Bennett Clarke, | James A. Hagan, | C. F. Thornton, |
| J. W. Clay, | Albert Hamilton, | Harry Weitkamp, |
| W. D. Claybrooke, | J. A. Hamon, | T. A. Weldon, |
| Sam. D. Cochran, | L. P. Head, | W. T. White, |
| H. K. Cole, | L. F. Johnson, | Geo. S. Wilson, |
| Henry M. Cox, | Wm. F. Klair, | Munnell Wilson, |
| Ed. Croan, | Geo. D. Litsey, | J. Hal Woodford, |
| Charles I. Dawson, | H. M. McCarty, | W. T. Wright, |
| Lawrence J. Diskin, | R. W. Miller, | James C. Yaden—51. |

Those who voted in the negative were—

| | | |
|---|---|---|
| D. C. Hopper, | John R. Ray, | J. T. Royalty—4. |
| W. J. Jackson, | | |

Resolved, That the title of said bill be as aforesaid.

Mr. Arnett moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill, entitled

S. B. 61. An act providing for the continuation of the geological, topographical and agricultural survey of the State of Kentucky, and for the continuation of the geological surveys in co-operation with the United States Geological Survey.

Sail bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the curator of the State geological department be, and is hereby, authorized and directed to continue the geological, topographical and agricultural survey of the State, which was resumed under provisions set forth in chapter 19, Acts of the General Assembly of 1904, approved March 5, 1904. It shall be his duty as director of said survey to formulate the plans governing the operations of the survey; to regulate and supervise the work in field and office; to determine the character, order and time of publication of the reports of the survey, and to perform such geological and other work as may be necessary for the proper and successful conduct of the survey. For his extra services rendered as director of the survey, he shall be allowed and paid twenty-five dollars ($25) per month, and shall be allowed and paid his necessary field and traveling expenses when absent from his office on business connected with the survey. The bond now required of and given by the curator shall also apply in his relation as director of the survey.

§ 2. The director of the survey is hereby authorized to appoint, subject to approval by the Governor, such assistants and employes as may be necessary for such times as their services may be re-

quired. Their compensation shall be such as may be fixed by the Governor, upon recommendation of the director, but it shall in no case exceed six dollars ($6) per day for each day employed in the work of the survey, except in the case of special experts, who may receive not to exceed ten dollars ($10) per day for each day actually employed; and they shall be allowed and paid their actual necessary field and traveling expenses. The director is authorized to enter into co-operative arrangements for geological and hydrographical work with the United States Geological Survey in such instances as it may be of advantage to the State to do so.

§ 3. All accounts for compensation and expenses shall be itemized and certified to on oath by the person rendering the same, and shall be accompanied by vouchers showing to whom and for what the sums set forth as expenditures were paid; and they shall, after receiving the endorsement of the director of the survey, then be presented to the Governor for his approval, and the Governor, having approved them, shall thereupon direct the Auditor of Public Accounts to draw his warrant on the Treasurer for the same. And the director shall keep an itemized account of all expenditures of whatever kind, including all salaries and other items of compensation, under appropriate headings, in a book, or books, especially provided for such purpose; and at the end of each quarter of the year he shall submit his accounts so kept to a supervisory board, consisting of the Governor, Secretary of State and Auditor, for their inspection and approval.

§ 4. It shall be the duty of the State Librarian to supply the office of the geological survey with all necessary stationery for the use of said survey as other public offices are supplied, upon the requisition of the director of the survey approved by the Governor.

§ 5. It shall be the duty of the director of the survey and his assistants to examine and report upon the economic geology of the State especially, as specified in and in accordance with section 5 of chapter 19, Acts of the General Assembly of 1904, said investigations to be conducted along such lines as will prove of practical

value in ascertaining and exhibiting the fitness for commercial and economic uses of the various substances reported upon, and to include such standard and practical tests as are necessary and usual in determining the commercial values of the various materials under investigation; and in furtherance of such practical work, the director, if he should deem it advisable, is authorized to purchase or lease a drilling machine for use in prospecting regions where the existence or continuation of coals, ores, or other useful substances beneath the surface may not be readily determined in any other way. The underground and surface waters of the State shall be investigated and the character and distribution of the timbers shall be determined. Especial and prompt attention shall be given to the study of the soils of the State with reference to their conservation and their fitness for various classes of crops, and with a view to determine the proper fertilizers for impoverished or otherwise defective lands, and such results as are appropriate shall be embodied in a soil map; and to the end that the soil investigation may be promptly and effectively carried on, the director is authorized to enter into agreement with the director of the State Agricultural Experiment Station for co-operation and assistance in the work.

§ 6. The reports of the survey shall consist of subject reports, county reports and a general or index report, and shall be prepared in accordance with the provisions of section 6 of chapter 19 of the Acts of the General Assembly of 1904, and they shall be printed and distributed in accordance with the provisions and term of section 7 of said chapter, all provisions of section 7 of chapter 19 of the Acts of the General Assembly of 1904, approved March 5, 1904, being hereby confirmed as applicable in the continuation of the survey.

§ 7. The director of the survey is hereby authorized to enter into agreement with the director of the United States Geological Survey for the continuation of co-operative topographical surveys in this State: Provided, That the United States Geological Survey

shall expend in each case of surveying agreed upon an amount equal to that allotted for such work by the director of the Kentucky survey under the authority of this act: And, provided further, That such agreement may be made as will in all things prove advantageous to this State and receive the approval of the Governor.

§ 8. The director of the survey shall biennially make report to the Governor, to be transmitted to the General Assembly, showing the progress made by the survey, and giving account of the expenditures that have been made, setting forth in said account, under appropriate heads, for what purposes said expenditures were made.

§ 9. No official or employe of the survey shall be interested in any speculation in mineral lands in this State, nor in the buying or selling of such lands, nor shall they engage for personal compensation in making private reports for private persons or for corporations, all the provisions of section 10 of chapter 19 of the Acts of the General Assembly of 1904 relating to this matter being hereby confirmed as applicable in the continuation of the survey.

§ 10. For the purpose of carrying into effect the provisions of this act, there is hereby appropriated from any money in the State Treasury not otherwise appropriated the sum of twenty-five thousand dollars annually, for two years, which shall be allotted as follows: For geological, chemical, hydrographical, soil and other investigations authorized by this act, including all salaries and field expenses, together with office expenses, clerical assistance, purchase and repairs of instruments, machines and field equipments, repairs and maintenance of the State Museum, freight charges on specimens and other materials, and all necessary miscellaneous items, the sum of fifteen thousand dollars per annum, for topographical surveys in co-operation with the United States Geological Survey, subject to the provisions of section 7 of this act, the sum of ten thousand dollars per annum: Provided, That in event it should at any time prove that said co-operative work is not being conducted to the best advantage of the State, the director of the

State Geological Survey is hereby authorized to withdraw from such co-operation when so advised by the Governor, and any unexpended balance shall be turned back into the Treasury.

§ 11. Since it is manifest that the work of the survey should proceed without break, and that those persons now engaged on it should continue at their tasks without interruption, an emergency is hereby declared and this act shall take effect upon its approval by the Governor, but the foregoing appropriations shall only be for two years.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | John C. Griffith, | J. M. Robertson, |
| John Barr, | Paul Gullion, | Richard S. Rose, |
| W. G. Baxter, | James A. Hagan, | J. T. Royalty, |
| Peter Best, Jr., | W. C. Halbert, | S. M. Russell, |
| Joe F. Bosworth, | Albert Hamilton, | R. C. Simmons, |
| H. Kirby Bourne, | J. A. Hamon, | T. J. Slaton, |
| Bennett Clarke, | L. P. Head, | Emmet P. Slattery, |
| J. W. Clay, | D. C. Hopper, | W. W. Smith, |
| W. D. Claybrooke, | L. F. Johnson, | George W. Stone, |
| Sam. D. Cochran, | W. H. Jones, | C. C. Terry, |
| Henry M. Cox, | Wm. F. Klair, | C. F. Thornton, |
| Ed. Croan, | Geo. D. Litsey, | Harry Weitkamp, |
| Charles I. Dawson, | H. M. McCarty, | T. A. Weldon, |
| A. L. Denny, | Henry C. Miller, | W. T. White, |
| Lawrence J. Diskin, | R. W. Miller, | John B. Wicker, |
| Thomas Drewry, | Chris Mueller, | Geo. S. Wilson, |
| W. Reed Embry, | J. M. Mitchell, | J. T. Wilson, |

J. A. Frazier, James S. Morris. Munnell Wilson,
Taylor P. Gabbard, Ion B. Nall, J. Hal Woodford,
Lloyd W. Gates, Henry G. Overstreet, W. T. Wright,
W. J. Gooch, M. M. Redwine, Jas. C. Yaden—64.
A. J. Gorham,

Those who voted in the negative were—

J. M. Alverson, C. W. G. Hannah, John R. Ray,
Robert Enlow, W. J. Jackson, Zeb A. Stewart—6.

Resolved, That the title of said bill be as aforesaid.

The House took up for consideration from the orders of the day a bill, entitled

S. B. 29. An act to increase the annual appropriation to the Kentucky Institution for the Education of the Blind, from $10,000.00 to $15,000.00.

Said bill is as follows, viz.:

§ 1. That the annual appropriation to The Kentucky Institution for the education of the blind be and is hereby increased from ten thousand ($10,000) dollars to fifteen thousand ($15,000) dollars.

§ 2. Whereas, there is an emergency for the taking effect of this act, therefore the same shall be in force from and after its passage.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | M. T. Freeman, | James S. Morris, |
| John Barr, | Lloyd W. Gates, | Ion B. Nall, |
| W. G. Baxter, | A. J. Gorham, | W. J. Osborne, |
| Charles C. Beard, | John C. Griffith, | J. M. Robertson, |
| Peter Best, Jr., | James A. Hagan, | S. M. Russell, |
| Roger P. Blair, | Albert Hamilton, | R. C. Simmons, |
| Joe F. Bosworth, | J. A. Hamon, | Emmet P. Slattery, |
| Bennett Clarke, | C. W. G. Hannah, | W. W. Smith, |
| J. W. Clay, | L. P. Head, | W. H. Southall, |
| W. D. Claybrooke, | D. C. Hopper, | C. F. Thornton, |
| Sam. D. Cochran, | L. F. Johnson, | T. A. Weldon, |
| H. K. Cole, | W. H. Jones, | John B. Wicker, |
| Henry M. Cox, | Wm. F. Klair, | Geo. S. Wilson, |
| Charles I. Dawson, | Geo. D. Litsey, | J. T. Wilson, |
| Lawrence J. Diskin, | H. M. McCarty, | Munnell Wilson, |
| Thomas Drewry, | Chris Mueller, | W. T. Wright, |
| W. Reed Embry, | V. W. Morris, | Jas. C. Yaden—51. |

Those who voted in the negative were—

| | | |
|---|---|---|
| J. M. Alverson, | Robert Enlow, | Richard S. Rose—5. |
| H. Kirby Bourne, | W. J. Jackson, | |

Resolved, That the title of said bill be as aforesaid.

The House took up for consideration from the orders of the day a bill, entitled

S. B. 262. An act to amend section 350 of the Kentucky Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 350, of chapter 20, of the Kentucky Statutes, 1903, be amended by striking out the words "and insurance;" so that when the section so amended will read as follows:

"The costs of all repairs made by the custodian of the public buildings, under the direction and advice of the trustees of the li-

brary upon the public buildings and grounds of the State at the seat of government.

"The amount due for any of the aforesaid objects to be approved by the Governor and accompanied by the proper vouchers."

§ 2. All laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | John C. Griffith, | M. M. Redwine, |
| Louis W. Arnett, | Paul Gullion, | S. M. Russell, |
| John Barr, | James A. Hagan, | Ed. H. Shellman, |
| W. G. Baxter, | Albert Hamilton, | R. C. Simmons, |
| Charles C. Beard, | J. A. Hamon, | T. J. Slaton, |
| Roger P. Blair, | L. P. Head, | Emmet P. Slattery, |
| Joe F. Bosworth, | D. C. Hopper, | W. H. Southall, |
| H. Kirby Bourne, | L. F. Johnson, | John A. Stevens, |
| Henry M. Cox, | W. H. Jones, | George W. Stone, |
| Charles I. Dawson, | Wm. F. Klair, | C. F. Thornton, |
| A. L. Denny, | Geo. D. Litsey, | Harry Weitkamp, |
| Lawrence J. Diskin, | H. M. McCarty, | W. T. White, |
| Thomas Drewry, | Henry C. Miller, | Geo. S. Wilson, |
| W. Reed Embry, | R. W. Miller, | Munnell Wilson, |
| W. J. Gooch, | Chris. Mueller, | W. T. Wright, |
| A. J. Gorham, | James S. Morris, | James C. Yaden—50. |
| H. H. Griffin, | Henry G. Overstreet, | |

Those who voted in the negative were—

| | | |
|---|---|---|
| Robert Enlow, | W. J. Jackson, | John R. Ray—5. |
| C. W. G. Hannah, | V. W. Morris, | |

Resolved, That the title of said bill be as aforesaid.

The House took up for consideration from the orders of the day a bill, entitled

S. B. 263. An act to repeal section 224 of the Kentucky Statutes relating to insurance.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 224 of chapter 16 of Kentucky Statutes, 1903, be, and the same is hereby repealed.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | A. J. Gorham, | S. M. Russell, |
| Louis W. Arnett, | H. H. Griffin, | Ed. H. Shellman, |
| John Barr, | John C. Griffith, | R. C. Simmons, |
| W. G. Baxter, | Paul Gullion, | T. J. Slaton, |
| B. O. Becker, | James A. Hagan, | Emmet P. Slattery, |
| Peter Best, Jr., | J. A. Hamon, | W. H. Southall, |
| Roger P. Blair, | L. P. Head, | John A. Stevens, |
| Joe F. Bosworth, | L. F. Johnson, | Zeb. A. Stewart, |
| H. Kirby Bourne, | W. H. Jones, | George W. Stone, |
| Bennett Clarke, | Wm. F. Klair, | C. F. Thornton, |
| W. D. Claybrooke, | Geo. D. Litsey, | Harry Weitkamp, |
| Henry M. Cox, | H. M. McCarty, | W. T. White, |
| Ed. Croan, | Henry C. Miller, | John B. Wicker, |
| Lawrence J. Diskin, | Chris Mueller, | Geo. S. Wilson, |
| Thomas Drewry, | Ion B. Nall, | Munnell Wilson, |

W. Reed Embry, M. M. Redwine, W. T. Wright,
Lloyd W. Gates, J. M. Robertson, Jas. C. Yaden—52.
W. J. Gooch,

In the negative—John R. Ray.

Resolved, That the title of said bill be as aforesaid.

The House took up for consideration, from the orders of the day, a bill, entitled

S. B. 277. An act to provide for protection from fire of State property and to guard the inmates of the insane asylums.

Said bill is as follows, viz.:

Whereas, The protection of life and property at public institutions is of paramount interest to and duty of the State; and

Whereas, The State has adopted a system of automatic sprinklers in the State prisons which have worked successfully since their installation in preventing fires and also to reduce the cost of insurance; and,

Whereas, The danger of life and property is minimized by the installation of a standard automatic sprinkling system; and,

Whereas, The cost of the installation of the system is saved in a period of five or seven years by a reduction in the cost of insurance or in shorter time by the abolition of insurance; and,

Whereas, These facts have been demonstrated thoroughly at the Eddyville prison and Frankfort prison; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the various boards or board of control be instructed and authorized to contract for the installation of the Grinnell Nieracher Hill or Nigra System of automatic sprinklers, the same being the various standards, accepted by the insurance underwriters, for the folowing institutions: Central Insane Asylum, at Lakeland;

Eastern Insane Asylum, at Lexington; Western Insane Asylum, at Hopkinsville.

§ 2. And this work be installed as soon as practicable under the direction of the several boards upon the approval of the Governor. Said system shall be paid for out of the funds in the State Treasury not otherwise appropriated and the savings on insurance premiums or on the funds used in payment of insurance premiums.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution were as follows, vix.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | Paul Gullion, | Richard S. Rose, |
| Louis W. Arnett, | James A. Hagan, | S. M. Russell, |
| John Barr, | Albert Hamilton, | Ed. H. Shellman, |
| Roger P. Blair, | J. A. Hamon, | R. C. Simmons, |
| Joe F. Bosworth, | L. P. Head, | T. J. Slaton, |
| W. D. Claybrooke, | D. C. Hopper, | Emmet P. Slattery, |
| Henry M. Cox, | L. F. Johnson, | W. W. Smith, |
| Ed. Croan, | Wm. F. Klair, | W. H. Southall, |
| Charles I. Dawson, | Geo. D. Litsey, | Zeb. A. Stewart, |
| Lawrence J. Diskin, | H. M. McCarty, | George W. Stone, |
| Thomas Drewry, | Henry C. Miller, | C. F. Thornton, |
| W. Reed Embry, | R. W. Miller, | Harry Weitkamp, |
| J. A. Frazier, | Chris Mueller, | T. A. Weldon, |
| Lloyd W. Gates, | James S. Morris, | W. T. White, |
| W. J. Gooch, | Ion B. Nall, | Geo. S. Wilson, |
| A. J. Gorham, | C. M. Paynter, | J. T. Wilson, |
| H. H. Griffin, | M. M. Redwine, | Munnell Wilson, |
| John C. Griffith, | J. M. Robertson, | James G. Yaden—54. |

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

A message was received from the Senate announcing that they had concurred in an amendment proposed by the House by way of substitute for a bill which originated in the Senate, entitled

S. B. 137. An act for the benefit of the penitentaries at Frankfort and Eddyville, and appropriating money for the erection of necessary buildings and improvements at said penitentiaries.

And that they had passed said bill as amended.

Mr. R. W. Miller moved that a committee be appointed to notify the Senate that the House had completed its labors and was now ready to adjourn and to ask the appointment of a like committee on the part of the Senate to act in conjunction with said committee to wait upon the Governor and notify him that the General Assembly is now ready to adjourn sine die, and to ask him if he has any further communication to make to them.

Said motion was agreed to.

Thereupon the Speaker appointed Messrs. R. W. Miller, Klair and McCarty as said committee.

Said committee retired and after a time reported that they had performed that duty, and that the Governor would shortly send a communication in writing.

Mr. Nall, of the Committee on Enrollments, reported that they had examined and found correctly enrolled bills and joint resolutions of the following titles, viz.:

S. Res. 14. Resolution for the benefit of John Dean.

H. B. 450. An act to amend section 612a of the Kentucky Statutes, relative to banks and trust companies and to re-enact the same as amended.

H. B. 488. An act to amend an act, entitled "An act to assign

the cities and towns of this Commonwealth to the classes to which they belong.

H. B. 247. An act to provide for the punishment of persons responsible for or directly promoting or contributing to the conditions that render a child dependent, neglected or delinquent.

H. B. 300. An act to make it unlawful to present plays in this Commonwealth.

H. B. 40. An act regulating the testing, grading, weighing, milling, selling and purchase of wheat.

H. B. 390. An act concerning domestic life insurance companies.

S. Res. 6. Resolution authorizing the auditing and payment of a loan made to the State by the State Bank of Frankofrt, Kentucky.

S. B. 272. An act to ratify and confirm charters of corporations heretofore taken out under the laws of the Commonwealth, under the statutes permitting a consolidation of corporations.

S. B. 11. An act to further regulate elections and registrations in cities and towns of this Commonwealth.

S. B. 237. An act authorizing and empowering the commissioner of the sinking fund to donate any interest the Commonwealth may own in any turnpike road companies in the State, when all the stock in any such turnpike company is owned by the Commonwealth and any county or counties and such county or counties will undertake to make and maintain such turnpike free of toll to the traveling public.

S. B. 287. An act permitting persons to combine or pool their crops of wheat, tobacco and other products and sell same as a whole and making contracts in pursuance thereof valid.

S. B. 55. An act to put financial corporations which heretofore

paid State tax under the revenue act, of 1886, known as the Hewitt law on the same footing with the banks and trust companies of this State, in reference to the overpayment of taxes.

S. B. 2. An act to amend section 644, subdivision 3, article 4, chapter 32, Kentucky Statutes.

S. B. 104. An act to amend and re-enact section 54 of an act, entitled "An act concerning the militia of the Commonwealth of Kentucky," approved March 13, 1893, and amendatory acts hereto, being section 2705 of the Kentucky Statutes.

S. B. 106. An act to repeal and re-enact section 2554 of Kentucky Statutes as adopted, being a part of chapter 81, article 1, and being a portion of the act of March 10, 1894.

S. B. 31. An act to authorize and empower railroad companies to designate persons to act as railroad police; providing for their appointment by the Governor, and defining their duties, powers and liabilities.

S. B. 129. An act to regulate the distribution of the reports of the decisions of the Court of Appeals.

S. B. 105. An act to authorize the building or repairing of dirt, gravel or ballast roads by taxation in counties of this Commonwealth, with a less assessed valuation than that of $3,000,000, and providing how said funds shall be disbursed.

S. B. 113. An act to amend section 822, subdivision 3, article 5, chapter 32, entitled corporations of the Kentucky Statutes.

S. B. 164. An act to amend an act, entitled "An act to provide for the establishment and maintenance of a Confederate home, to be a charitable institution of the State of Kentucky, and providing for the care and maintenance of the infirm and dependent Confederate soldiers of Kentucky, and to provide under proper conditions for admission and care of soldiers who may have wives and for those

who may have tendered service to the Confederate cause," approved March 27, 1903, and amended by an act approved March 26, 1904.

S. B. 19. An act to amend and re-enact section 4226 of the Kentucky Statutes.

S. B. 128. An act to amend section 4315, Kentucky Statutes.

S. B. 3. An act to amend section 679, subdivision 3, article 4, chapter 32, Kentucky Statutes.

S. B. 193. An act to amend section 4545 of the Kentucky Statutes, dispensing with the presence of the Secretary of State in court to identify certified copies of records from his office.

S. B. 117. An act to increase the compensation of the private secretary of the Governor.

S. B. 201. An act to amend an act for the government of cities of the first class, approved March 23, 1894, and to repeal section 8 of said act, and to substitute a section for said section 8.

S. B. 231. An act to amend section 47, of an act providing for the creation and regulation of private corporations which became a law April 5, 1893, and which as heretofore amended has become and now is section 584 of the edition of the Kentucky Statutes, compiled and edited by John D. Carroll in 1903.

S. B. 33. An act to amend section 1214 of Kentucky Statutes.

S. B. 115. An act to repeal the charter of the town of Weston in Crittenden county.

S. B. 226. An act to amend sections 21 and 26 of article 6 of an act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894, said sections being sections 3166 and 3171, respectively of the Kentucky Statutes, 1903.

S. B. 215. An act authorizing any county or subdivision thereof containing a city of the second class and having a court of continu-

ous session is authorized by law to supplement the salary of the judge of the circuit court district in which said county is located.

S. B. 10. An act to provide for the investigation of fires in the Commonwealth and to provide for the appointment of a deputy insurance commissioner to be designated as fire marshal of the State of Kentucky; also to provide for the payment of his salary and the payment of expenses incurred in the investigation of fires in this Commonwealth.

S. B. 81. An act to amend an act to regulate the sale of intoxicating liquors by wholesale in this Commonwealth which was approved March 22 1904.

S. B. 69. An act authorizing the condemnation of lands and materials by corporations or companies organized for the purpose of constructing and maintaining or operating union railway stations.

S. B. 249. An act to regulate the sale of concentrated commercial stuffs, defining same and fixing penalties for violations thereof.

S. B. 165. An act to amend section 2241, 2242, 2243 and repealing and providing a substitute for section 2247 of the Kentucky Statutes, compiled and edited by John D. Carroll and issued in 1903, said sections being a part of article 1, chapter 74, of the Kentucky Statutes, entitled Juries.

H. B. 446. An act to appropriate $2,500.00 to assist in erecting a tablet in Larue county to the memory of Abraham Lincoln.

H. B. 256. An act to amend an act for the government of cities of the first class, approved July 1, 1893.

H. B. 248. An act fixing and defining the powers of the several county courts within this Commonwealth with reference to the care, treatment and control of delinquent, neglected and dependent children and providing for the means whereby such powers may be exercised.

H. Res. 7. Resolution for payments to the widow of the late Hon. J. W. McCain the payment and per diem which he would have received for attending the last extra session had he lived.

H. B. 64. An act relating to suffrage and elections by amending section 145 of the Constitution.

H. B. 269. An act to amend section 964, Kentucky Statutes.

H. B. 345. An act to amend section 20, article 4 of an act for the government of cities of the second class in the Commonwealth of Kentucky.

H. B. 70. An act to amend section 3176 of Kentucky Statutes.

H. B. 305. An act to amend section 4300 of Kentucky Statutes.

H. B. 228. An act to amend section 2721 of Kentucky Statutes, entitled Mills.

H. B. 365. An act relating to fees.

H. B. 72. An act regulating the carrying on of business under an assumed or fictitious name.

H. B. 114. An act to amend section 1846, Kentucky Statutes.

H. B. 92. An act to amend an act, entitled "An act to make it unlawful to employ a child less than 14 years of age in workshops, mines, mills or factories.

H. B. 122. An act to amend section 1933, Kentucky Statutes, concerning proclamations of the Governor of rewards for fugitives from justice.

H. B. 501. An act to amend and re-enact section 251 of article 5, chapter 171 of the acts of 1891-2-3, entitled An act providing for the creation and regulation of private corporations, which became a law April 5, 1893, and being section 857, Kentucky Statutes.

H. B. 402. An act to amend an act, entitled "An Act to estab-

lish a public school in Morganfield in Union county, Kentucky," approved April 19, 1886.

H. B. 125. An act appropriating funds for the improvement of the Feeble Minded Institute.

H. B. 149. An act to amend section 2627 of the Kentucky Statutes, it being a portion of chapter 85 of the Kentucky Statutes, entitled Medicine and Surgery.

H. B. 267. An act for the protection of English, Ring-Neck, Mongolian and Chinese pheasants.

H. B. 429. An act to provide for the establishment and the maintenance in counties which contain a city of the first class of a hospital for the treatment of persons afflicted with tuberculosis.

H. B. 425. An act to further regulate the revenue laws of counties, cities and towns so as to carry into effect sections 157 and 180 of the present Constitution and prescribing penalties for violating the same.

H. B. 99. An act to require owners of dams across certain streams in this Commonwealth to construct and maintain fish ladders or roads across said dams and providing penalties for failure so to do.

H. B. 246. An act to amend section 4425 of Kentucky Statutes relative to examination for teachers' county and State certificate and State diplomas.

H. B. 434. An act to prohibit any person from engaging in or conducting the business of private banking in this Commonwealth and to repeal all laws regulating said business.

H. B. 372. An act to amend an act amending section 965 of the Kentucky Statutes, 1903, relating to the time of holding courts in the twelfth judicial district.

H. B. 368. An act to amend section 3637 of the Kentucky

Statutes, relating to the powers of the city council of cities of the fifth class.

H. B. 353. An act to amend section 1886 of the Kentucky Statutes, edited and compiled by John D. Carroll and issued in 1903.

H. B. 327. An act to provide for proper recognition of proficiency acquired by students who attend the normal department of the A. and M. College of Kentucky.

H. B. 364. An act to amend section 3290 of chapter 89 of Kentucky Statutes, relative to third class cities, legislative department.

H. B. 135. An act to amend sub-section 5, section 2421a, Kentucky Statutes.

H. B. 252. An act to prohibit the transportation of spirituous liquors, etc., into local option districts.

H. B. 400. An act to require operators of certain ferries across the Ohio river to provide waiting rooms for their passengers.

H. B. 163. An act for the conservation and protection of oils and gas in the Commonwealth of Kentucky, and to prevent the flooding and consequent destruction of oil and gas under the lands of another.

H. B. 249. An act for the benefit of the Kentucky Historical Society appropriating annually $5,000.00 therefor and providing for postage and stationery supplies for the society and providing for the publication of the Register magazine of the society.

H. B. 84. An act requiring children to aid in the support of their indigent parents.

H. B. 436. An act to appropriate the additional sum of $250,000.00 for the erection and completion of the capitol and other State buildings at the seat of Government now under contract and in course of construction.

H. B. 101. An act prohibiting the unlawful destruction or taking from the premises of another tobacco plants growing on the bed of another.

H. B. 169. An act to prevent the obstruction of navigable streams.

H. B. 190. An act permitting defendants in civil suits for damages for assault or assault and battery to plead mitigating facts and circumstances as a defense to the claim for punitive damages and to introduce such facts and circumstances in evidence in mitigation of damages.

H. B. 377. An act to provide for the appointment of a State printing superintendent, defining his duties and providing compensation therefor.

H. B. 250. An act appropriating money for industrial training for colored persons and for completing of girls' dormitory and providing water for ordinary use and fire protection at Kentucky Normal Industrial Institute.

H. B. 205. An act fixing the rate of interest to be charged guardians, curators and committees.

H. B. 216. An act dividing the State into one hundred Representative Districts.

H. B. 143. An act to continue in force drainage systems established and operated by drainage corporations heretofore in any of the counties of Kentucky.

H. B. 1. An act relating to revenue and taxation.

H. Res. 8. Resolution for the benefit of John H. Stuart.

S. Res. 7. Resolution for the benefit of Dr. Hugh L. Tobin's widow and children.

S. Res. 19. Resolution for the benefit of Essex Mosby.

S. Res. 5. Resolution for the benefit of public buildings.

S. Res. 24. Resolution for the benefit of the ministers of the Gospel at Frankfort.

S. Res. 20. Resolution for the benefit of McJ. Davis.

S. B. 29. An act to increase the annual appropriation to the Kentucky Institution for the Education of the Blind from $10,000 to $15,000.

S. B. 59. An act to prevent and punish the unlawful conversion and wrongful taking and use of water from waterworks plants and any unlawful interference with appliances used and confining and distributing the same in the cities of this State.

S. B. 98. An act to amend and re-enact section 3219 of the Kentucky Statutes.

S. B. 297. An act to regulate the racing of running horses in the Commonwealth of Kentucky and establish a State racing commission and prescribing their powers and duties.

S. B. 40. An act to amend subsection 1, article 4 of an act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894, being subsection 27 of section 3058 of the Kentucky Statutes.

S. B. 134. An act to amend and re-enact sections 919 and 920 of the Kentucky Statutes, chapter 34, article 4, relative to dividing or striking off territory.

S. B. 263. An act to repeal section 224 of the Kentucky Statutes relating to insurance.

S. B. 188. An act to increase the efficiency of the office of inspector of mines and afford greater protection to the lives and health of persons employed in the coal mines of the State and to provide for the inspection of mine scales and of miners' oil.

S. B. 277. An act to provide for protection from fire of State property and to guard the inmates of the insane asylums.

S. B. 262. An act to amend section 350 of the Kentucky Statutes.

S. B. 281. An act to further regulate the time of holding court in the Nineteenth, Twentieth and Thirty-second Judicial Districts.

S. B. 39. An act to amend section 8 of an act, entitled An act creating fiscal courts in the several counties of this Commonwealth, approved October 17, 1894.

S. B. 61. An act providing for the continuation of the geological, topographical and agricultural survey of the State of Kentucky and for the continuation of the geological surveys in co-operation with the United States Geological Survey.

S. B. 91. An act to amend and re-enact subsection 2 of section 1 of article 4 of an act, entitled An act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894, said section being subsection 2 of section 3058 of the Kentucky Statutes, 1903.

S. B. 264. An act authorizing the county courts of counties maintaining a system of free turnpikes to erect toll gates and collect toll to keep the same in repair.

S. B. 196. An act to amend an act relating to courts of justice, being chapter 221 of Acts of 1893, approved June 10, 1893.

S. B. 124. An act to amend and re-enact sections 1546 and 1547 of the Kentucky Statutes.

S. B. 65. An act to amend and re-enact section 28 of article 5 of an act for the government of the cities of the second class in the Commonwealth of Kentucky, approved March 17, 1894, said section being section 3133 of the Kentucky Statutes of 1903.

S. B. 137. An act for the benefit of the penitentiaries at Frankfort and Eddyville and appropriating money for the erection of necessary buildings and improvements at said penitentiaries.

S. B. 243. An act to amend an act for incoporation of private corporations, being chapter 32 of the Kentucky Statutes.

S. B. 244. An act to regulate burial associations, corporations and companies doing business in the State of Kentucky.

S. B. 63. An act providing for the extension of the boundaries of graded common school districts.

S. B. 101. An act to amend and re-enact an act, entitled An act to provide for the development of the live stock, agricultural and kindred interests by the establishment and maintenance of a State Fair, being chapter 119b of the Kentucky Statutes, approved March 29, 1902.

S. B. 85. An act fixing the liability of and measure of damages for the commission of fraud in the sale of real estate.

S. B. 96. An act to amend and re-enact section 12 of an act concerning the militia of the Commonwealth of Kentucky, approved March 13, 1893, and being section 2663 of the Kentucky Statutes.

S. B. 100. An act creating a State Board of Agriculture, Forestry and Immigration, specifying the duties thereof and appropriating money therefor.

S. B. 170. An act to repeal chapter 296 of the Session Acts of 1887 and 1888.

S. B. 66. An act appropriating $2,000 for the purpose of restoring the monument to Daniel Boone in the Frankfort cemetery.

S. B. 6. An act to amend and re-enact an act, entitled An act fixing the times and terms of the circuit courts in counties composing the several judicial districts in this Commonwealth, approved December 26, 1892, and an amendment thereto approved March 30, 1900, so far as the same applies to the Twenty-ninth Circuit Court District.

S. B. 275. An act authorizing the board of directors of banks

and trust companies carrying on business in this State to fix the hours of opening and closing for business.

S. B. 296. An act to amend an act for the benefit of the Kuttawa common school district in Lyon county, which was approved May 1, 1884.

S. B. 166. An act to amend section 3637, Carroll's 1903 Kentucky Statutes, and thereby increase the powers of the city council of the cities of the fifth class.

S. B. 207. An act for the benefit of Hazelrigg & Chenault, permitting them to sue the Commonwealth of Kentucky.

S. B. 274. An act concerning excavations in cities of the first class.

Thereupon all other business was suspended and said bills and joint resolutions were severally read at length and examined in open session. And, being found correctly enrolled, the Speaker, in open session, in presence of the House, affixed his signature thereto.

Ordered that the enrolling clerk deliver same to the Senate. After a time, the enrolling clerk delivered the above-named bills and joint resolutions, which originated in the House, to the chief clerk of the House.

Ordered that said chief clerk deliver same to the Governor. After a time, said chief clerk reported that he had discharged that duty.

Under and by virtue of a resolution, entitled

H. Res. 20. Resolution providing for a commission to revise the laws governing the public printing and directing them to report to the next session of the General Assembly and providing for their compensation,

The Speaker announced the appointment of the following members of said commission on the part of the House of Representatives, viz.: Messrs. L. P. Head, L. W. Arnett and W. H. Southall.

A communication in writing was received from the Governor as follows, viz.:

Commonwealth of Kentucky,
Executive Department.
Frankfort, Ky., March 13, 1906.

To the General Assembly:

Under section 80 of the Constitution of Kentucky, I, as Governor of the Commonwealth, call you to meet in extraordinary session at twelve o'clock noon, Wednesday, March 14, 1906, for the consideration of the following subjects, to-wit:

To levy a tax as you may deem advisable upon any corporation, association, company, co-partnership or individual engaged in the busines or occupation of compounding, rectifying, adulterating or blending distilled spirits, known and designated as single stamp spirits.

I regret the necessity of this call, but my reasons for it are so apparent to every member of the General Assembly that it is hardly necessary to explain. You have just passed through a long and bitter contest over the passage of a revenue bill, and in that struggle the great mass of the people, whose servants we are, have not received all to which they are justly entitled. In the revenue bill you have just passed in your regular session, this one question has been the stumbiling block and has well nigh defeated all sensible and reasonable fiscal legislation. A powerful interest, present with its astute and capable representatives, has been able for a week or more to block all legislation upon the important question of your revenue affairs, and as Chief Executive I give you this opportunity to determine whether or not this industry shall bear its just proportion of the burden of taxation. It is the most prosperous industry in Kentucky, earning the largest profits upon its investment of any business enterprise, and certainly able with ease to bear the measure of reasonable taxation originally placed upon it by your committees. And yet its power has been so great that the whole system of our revenues, the condition of the State Treasury, and the wel-

fare of the Commonwealth have been threatened by its opposition to the recent revenue bill.

You are also to consider the powers and authority of your Auditor's agents, whose proper duties are to investigate and proceed against those who have not fairly given in an assessment of their property. This power has been seriously impaired by the provisions of the bill recently passed.

You are, therefore, assembled in extra session to consider these two questions, and if it should appear advisable during your deliberations to investigate any matters affecting such consideration, your authority may be enlarged by an amended call.

Very respectfully,

J. C. W. BECKHAM.

Frankfort, Ky., March 13, 1906.

And then the House adjourned sine die by limitation, as provided by the Constitution.

# JOURNAL

OF THE

# CALL SESSION

OF THE

# House of Representatives

OF THE

## COMMONWEALTH OF KENTUCKY.

Begun and Held in the City of Frankfort on Wednesday, the Fourteenth Day of March, in the Year of Our Lord, 1906, and of the Commonwealth One Hundred and Fourteen.

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PROPERTY OF THE STATE OF KENTUCKY.

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LOUISVILLE:
GEO. G. FETTER COMPANY.
1906.

# JOURNAL

OF THE

# House of Representatives.

## CALL SESSION.

WEDNESDAY, MARCH 14, 1906.

At a called session of the General Assembly, began and held at the Capitol in Frankfort on Wednesday, the fourteenth day of March, in the year of our Lord, one thousand nine hundred and six, and the one hundred and fourteenth year of the Commonwealth, Hon. Henry R. Lawrence, Speaker thereof, called the House of Representatives to order and after prayer by Rev. E. M. Crowe, of the Presbyterian Church, Southern Assembly, handed to the clerk and had read the following:

### PROCLAMATION.

Commonwealth of Kentucky,
Executive Department,
Frankfort, Ky. March 13, 1906.

To the General Assembly:

Under section 80, of the Constitution of Kentucky, I, as Governor of the Commonwealth, call you to meet in extraordinary session at twelve o'clock noon, Wednesday, March 14, 1906, for the consideration of the following subjects, to-wit:

To levy a tax as you may deem advisable upon any corporation, association, company, co-partnership or individual engaged in the business or occupation of compounding, rectifying, adulterating

or blending distilled spirits, known and designated as single stamp spirits.

I regret the necessity for this call, but my reasons for it are so apparent to every member of the General Assembly that it is hardly necessary to explain. You have just passed through a long and bitter contest over the passage of a revenue bill, and in that struggle the great mass of the people, whose servants we are, have not received all to which they are justly entitled. In the revenue bill you have just passed in your regular session this one question has been the stumbling block, and has well nigh defeated all sensible and reasonable fiscal legislation. A powerful interest, present with its astute and capable representatives, has been able for a week or more to block all legislation upon the important question of your revenue affairs, and as Chief Executive I give you this opportunity to determine whether or not this industry shall bear its just proportion of the burden of taxation. It is the most prosperous industry in Kentucky, earning the largest profits upon its investment of any other business enterprise, and certainly able with ease to bear the measure of reasonable taxation originally placed upon it by your committees. And yet its power has been so great that the whole system of our revenues, the condition of the State Treasury, and the welfare of the Commonwealth have been threatened by its opposition to the recent revenue bill.

You are also to consider the powers and authority of your Auditor's agents, whose proper duties are to investigate and proceed against those who have not fairly given in an assessment of their property. This power has been seriously impaired by the provisions of the bill recently passed.

You are, therefore, assembled in extra session to consider these two questions, and if it should appear advisable during your deliberations to investigate any matters affecting such consideration, your authority may be enlarged by an amended call.

Very respectfully,

J. C. W. BECKHAM.

The roll of members of the House was called and the following were present and responded, viz.:

| | | |
|---|---|---|
| J. M. Alverson, | John C. Griffith, | Ed. H. Shellman, |
| John Barr, | Paul Gullion, | R. C. Simmons, |
| E. Barry, | W. C. Halbert, | T. J. Slaton, |
| Charles C. Beard, | Albert Hamilton, | Emmet P. Slattery, |
| B. O. Becker, | J. A. Hamon, | W. W. Smith, |
| Roger P. Blair, | L. P. Head, | W. H. Southall, |
| Joe F. Bosworth, | D. C. Hopper, | Hub L. Stevens, |
| H. Kirby Bourne, | W. J. Jackson, | John A. Stevens, |
| J. C. Byland, | L. F. Johnson, | Zeb. A. Stewart, |
| M. F. Campbell, | W. H. Jones, | C. C. Terry, |
| Bennett Clarke, | Geo. D. Litsey, | A. J. Thompson, |
| W. D. Claybrooke, | H. M. McCarty, | Harry Weitkamp, |
| Sam. D. Cochran, | Virgil McKnight, | T. A. Weldon, |
| H. K. Cole, | M. H. McLean, | W. T. White, |
| Henry M. Cox, | Henry C. Miller, | John B. Wicker, |
| Charles I. Dawson, | R. W. Miller, | Geo. S. Wilson, |
| A. L. Denny, | J. M. Mitchell, | J. T. Wilson, |
| Thomas Drewry, | James S. Morris, | Munnell Wilson, |
| W. Reed Embry, | Ion B. Nall, | Wm. Wilt, |
| Robert Enlow, | Henry G. Overstreet, | J. Hal Woodford, |
| J. A. Frazier, | John R. Ray, | W. T. Wright, |
| Taylor P. Gabbard, | J. M. Robertson, | James C. Yaden, |
| Lloyd W. Gates, | S. M. Russell, | Will A. Young, |
| W. J. Gooch, | J. T. Scott, | Speaker Lawrence—73 |
| H. H. Griffin, | | |

Mr. McKnight moved that a committee of three be appointed by the Speaker to notify the Senate that the House was in session and ready for the transaction of business and to ask the appointment of a similar committee on the part of the Senate to act with said committee to notify the Governor that the General Assembly was in session and ready to receive any communication he might desire to make.

Said motion was agreed to.

The Speaker thereupon appointed Messrs. McKnight, Slattery and H. K. Cole as said committee.

Said committee retired and after a time returned and reported that they had performed that duty.

That the Senate was also in session and that the Governor wished them to report to their respective Houses that he had no further communication to make at this time, but urged and requested prompt and speedy consideration of and action upon the subjects and matters named in said proclamation.

Mr. McLean moved that the said proclamation be referred to the Committee on Revenue and Taxation and that said committee be instructed to prepare and report to the House a bill or bills relative to the matters referred to in said proclamation.

Said motion was agreed to.

Mr Alverson offered the following resolution, viz.:

Resolved, That the chief clerk of this House be, and he is hereby, authorized and directed to procure and have properly furnished a room suitable for an office during this special session and for such time after adjournment as may be necessary to complete his labors. The same to be certified to and paid as a contingent expense of this House.

Said resolution was agreed to.

Leave of absence for an indefinite time was granted to Messrs. Cochran, Thornton, Jones, Thompson, Chipman and Hopper.

And then the House adjourned uuntil eleven o'clock to-morrow morning.

THURSDAY, MARCH 15, 1906.

The House was opened with prayer by Rev. C. R. Hudson of the Christian church.

A message was received from the Senate announcing that they had adopted a resolution as follows, viz.:

Resolved by the Senate, the House of Representatives concurring therein; That when the General Assembly adjourns to-day, that it adjourn to meet next Tuesday at twelve o'clock noon.

Said resolution was taken up for consideration and concurred in.

Mr. Gooch, of the Committee on Revenue and Taxation, which had originated the same, reported bills of the following titles, viz.:

H. B. 1. An act to repeal and re-enact article 17 of an act entitled "An act relating to revenue and taxation," approved March 15, 1906.

H. B. 3. An act relating to revenue and taxation, providing for license taxes on compounded, rectified, adulterated or blended distilled spirits, known and designated as single stamp spirits, and providing penalties for violations of its provisions.

Said bills were severally read the first time, at length, ordered to be printed and placed on the calendar.

By unanimous consent, Mr. W. R. Miller introduced the following bill, viz.:

H. B. 2. An act to regulate the employment of legislative council and agents and to provide for the return legislative expenses.

Said bill was ordered to be printed and referred to the committee on judiciary.

Leave of absence for an indefinite time was granted to Messrs. Campbell, Cain, Ray, W. H. Cole, Scott, Stewart, Hannah, V. W. Morris, Simmons, Grigsby, H. K. Cole, Freeman, Redwine, Slaton, Enlow, Wright, McLean and Arnett.

And then the House adjourned.

TUESDAY, MARCH 20, 1906.

The House was opened with prayer by the Rev. J. O. A. Vaught, of the Methodist church.

The reading of the Journal of last Thursday's proceedings was dispensed with and the same was approved.

Upon the demand of Mr. Klair, the roll of the House was called, and the following members answered to their names, viz.:

| | | |
|---|---|---|
| John Barr, | Wm. F. Klair, | R. C. Simmons, |
| W. G. Baxter, | Geo. D. Litsey, | T. J. Slaton, |
| Charles C. Beard, | H. M. McCarty, | Emmet P. Slattery, |
| Bennett Clarke, | Virgil McKnight, | W. W. Smith, |
| J. W. Clay, | M. H. McLean, | W. H. Southall, |
| Ed. Croan, | J. M. Mitchell, | Hub L. Stevens, |
| Henry W. Curle, | James S. Morris, | George W. Stone, |
| Charles I. Dawson, | Ed. Mulcahy, | C. C. Terry, |
| A. L. Denny, | Ion B. Nall, | Harry Weitkamp, |
| Lawrence J. Diskin, | Henry G. Overstreet, | T. A. Weldon, |
| Robert Enlow, | C. M. Paynter, | John B. Wicker, |
| Taylor P. Gabbard, | J. M. Robertson, | Munnell Wilson, |
| A. J. Gorham, | Richard S. Rose, | J. Hal Woodford, |
| John C. Griffith, | S. M. Russell, | W. T. Wright, |
| J. A. Hamon, | J. T. Scott, | J. A. Yates, |
| L. F. Johnson, | Ed. H. Shellman, | Will A. Young—48. |

Mr. Klair moved that the House do now adjourn.

Said motion was agreed to.

## WEDNESDAY, MARCH 21, 1906.

The House opened with prayer by the Rev. T. F. Taliaferro of the M. E. Church, South.

The reading of the Journal of yesterday's proceedings was dispensed with and the same was approved.

The House took up for consideration from the calendar bills of the following titles, viz.:

H. B. 1. An act to repeal and re-enact article 17 of an act, entitled An act relating to revenue and taxation, approved March 15, 1906.

H. B. 3. An act relating to revenue and taxation, providing for license taxes on compounded, rectified, adulterated or blended distilled spirits, known and designated as single stamp spirits, and providing penalties for violation of its provisions.

Ordered that said bills be read the second time.

The provision of the Constitution as to the second reading of said bills, at length, being dispensed with, said bills were severally read the second time by their titles.

Ordered that the first named bill be placed in the orders of the day.

Mr. Gooch moved that the last named bill (H. B. 3) be made the special order of the day for to-morrow morning, 22d instant, at 10:30 o'clock.

Said motion was agreed to.

The Speaker laid before the House the following communication from the Louisville Board of Trade and the Louisville Commercial Club, viz.:

Hon. Henry R. Lawrence, Speaker of the House of Representatives,
Frankfort, Kentucky.

Dear Sir:—The undersigned, in the name of the commercial organizations of which we are presiding officers, respectfully submit for your consideration the resolutions adopted at a joint meeting of the Board of Trade and Commercial Club of the city of Louisville, relative to proposition before the Legislature, taxing blended or rectified whiskies.

We also ask that you will lay the resolutions before the House for its consideration.

Respectfully,
E. H. BOWEN,
President Louisville Board of Trade.
V. H. ENGELHARD,
President Louisville Commercial Club.

A COPY OF THE RESOLUTIONS ADOPTED BY UNANIMOUS VOTE AT THE JOINT MEETING OF THE LOUISVILLE BOARD OF TRADE AND LOUISVILLE COMMERCIAL CLUB, HELD AT THE EXCHANGE HALL OF THE BOARD OF TRADE SATURDAY, MARCH 17, 1906.

Whereas, An extra session of the Legislature having been called to consideration the imposition of a tax upon the blenders of rectifiers of whiskies; and,

Whereas, Many of the leading merchants and most public spirited citizens of Louisville and Kentucky are engaged in the wholesale whisky business and in nearly every instance the wholesaler is also a rectifier or blender, it is therefore very important in many ways to the business interests and progress of the city of Louisville that any tax on blended or rectified whiskies should be levied by a method that is fair and at the same time not so burdensome that it can not be collected; and,

Whereas, The imposition of any tax that would force any number of our large blenders or rectifiers to remove their blending busi-

ness to another State would seriously injure the commerce and growth of our city; and,

Whereas, The bill now before the House which seeks to impose a tax of 1½ cents per wine gallon on all blended or rectified whiskies would force the removal to other States, where no such tax is imposed, of a number of our best merchants and citizens;

Therefore be it resolved, That the members of the Legislature from the city of Louisville and Jefferson county are earnestly requested to vote for a graded license that is fair to all classes of rectifiers and which graded license will yield a large annual revenue to the State and which, in its operation, will not drive from the State of Kentucky any men engaged in the business.

THE LOUISVILLE BOARD OF TRADE,
By E. H. Bowen, President.
THE LOUISVILLE COMMERCIAL CLUB,
By V. H. Engelhard, President.

Which was ordered to be filed and spead on the Journal.

Mr. Arnett presented the following resolution adopted by the Manufacturers' Association at Covington, viz.:

At a meeting of the members of the Manufacturers' Association of Covington, Kentucky, assembled March 19th, the following resolutions were passed.

1. Be it resolved to communicate with the General Assembly that we have grave fears the proposed revenue agents' bill will influence capital in the State to leave it, and, in doing so, influence capital out of the State to stay out of the State. The bill is a menace, threat and criminal charge against the capital in the State. The very fact that such a bill is passed will put the State on record as bearing suspicion towards capital, and undoubtedly influence capital to invest in more seductive localities.

2. Be it resolved that we respectfully and earnestly petition your honorable assemblage not to inflict upon our city by means

of the proposed "gallon rectifiers' tax" a loss to our community of a business already paying to our city, our county and our State enormous taxes on its realty and its commerce; a loss of the taxes on the houses of those they employ, together with a loss of our citizens and a loss of their wages to our merchants, to say nothing of the general depression we will experience and the effect upon invited capital from other States. There will undoubtedly be a tremendous deficit in the operating expense of city, county and State. Before you inflict this loss of taxes and citizens, provide us with some means of taking care of our expense.

JOS. MAURY, President.

Which was ordered to be filed and spread on the Journal.

And then the House adjourned.

THURSDAY MARCH 22, 1906.

The House was opened with prayer by the Rev. J. O. A. Vaught, of the Methodist church, South.

The reading of the Journal of yesterday's proceedings was dispensed with and the same was approved.

At 10:30 o'clock the House took up for consideration the special order of the day for that hour, to-wit: a bill, entitled

H. B. 3. An act relating to revenue and taxation providing for license taxes on compounded, rectified, adulterated or blended distilled spirits, know and designated as single stamp spirits, and providing penalties for violations of its provisions.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Every corporation, association, company, co-partnership or individual engaged in this State in the business or occupation of

compounding, rectifying, adulterating or blending distilled spirits, known and designated as single stamp spirits, shall pay to the Commonwealth of Kentucky a license tax of one and one-half cent upon every wine gallon of such compounded, rectified, blended or adulterated distilled spirits.

§ 2. It shall be the duty of each corporation, association, company, co-partnership or individual engaged in this State in the business or occupation of compounding, rectifying, adulterating or blending distilled spirits, known and designated as single stamp spirits, to make and deliver to the Auditor of Public Accounts, on the 30th day of June, 1906 (or within ten days thereafter), and at the end of each six months thereafter, a report sworn to, stating his name, place of business and the number of wine gallons, of compounded, rectified, adulterated or blended distilled spirits, known and designated as single stamp spirits, made during the six months then ended, and at the same time pay into the State treasury, through the auditor, the amount of taxes due the State, as herein provided, imposed by the last preceding section.

§ 3. Before any corporation, association, company, co-partnership or individual shall engage in the business or occupation of compounding, rectifying, adulterating or blending, in this State, he shall notify the Auditor of Public Accounts of his intention to engage in such business or occupation. The notice shall contain the name and place of residence of such corporation, association, company, co-partnership or individual and the approximate number of wine gallons of such compounded, rectified, adulterated or blended spirits the applicant contemplates making prior to the first date at which he is required to report the number of gallons made to the Auditor of Public Accounts under this act.

§ 4. Upon receipt of such notice by the Auditor of Public Accounts, he shall issue to such applicant a certificate, showing that he has complied with this act. Any corporation, association, company, co-partnership or individual, who shall engage in the business of compounding, rectifying, adulterating or blending distilled spirits, known and designated as single stamp spirits, without first receiving said

certificate herein provided for from the Auditor of Public Accounts, shall be guilty of a misdemeanor and subject to indictment in the Franklin Circuit Court and fined any sum not less than five hundred dollars nor more than two thousand dollars.

§ 5. Upon the payment of the license tax to the treasurer, through the Auditor of Public Accounts, as provided in this article, the Auditor of Public Accounts shall issue to such corporation, association, company, co-partnership or individual, authority to continue in the business or occupation of compounding, rectifying, adulterating or blending distilled spirits known and designated as single stamp spirits, if such authority is desired, for six months or until the date provided in this article when reports are to be made.

§ 6. Any compounder, rectifier, adulterater or blender liable for the taxes imposed by this act, or embraced by its provisions, who shall fail or refuse to make and deliver to the Auditor of Public Accounts a sworn report, and pay the license tax as required by this act, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than fifty nor more than one hundred dollars for each day of such failure or refusal to be recovered by indictment in the Franklin Circuit Court, and shall forfeit his right to engage in said business in this State.

§ 7. Any corporation, association, company, co-partnership or individual who shall ship any compounded, rectified, blended or adulterated distilled spirits, known and designated as single stamp spirits, into this State for the purpose of labeling, branding, marking or stamping the same as Kentucky whisky, product or spirits, or which shall have been or may thereafter be labeled, branded, marked or stamped as Kentucky whisky, product or spirits, shall be deemed compounders, rectifiers, blenders or adulterators under the provisions of this act and shall pay the license tax imposed herein on like product compounded, rectified, blended or adulterated in this State, and shall make the report required herein to the Auditor of Public Accounts.

Any corporation, association, company, co-partnership or individual, who shall violate this provision of this act shall be deemed

guilty of a misdemeanor and fined in any sum not less than five hundred nor more than one thousand dollars. Each shipment shall be deemed a separate offense. The Franklin Circuit Court shall have jurisdiction of all offenses committed under this provision of this act.

§ 8. All laws or parts of laws in conflict with this act are hereby repealed.

Mr. James S. Morris offered the following amendments to said bill, viz.:

(1) In printed bill, p. 2, sec. 2, line 7, strike out the word "his" and insert the word "the."

(2) Same page, sec. 2, line 7, after the words "sworn to," insert "upon blanks to be furnished by the Auditor."

(3) Same page, same section in line 10, after the word "ended" insert, " and such other information as the Auditor may require."

(4) On same page, sec. 3, lines 3 and 4, strike out the words "he shall notify the Auditor of Public Accounts of his intention" and insert in lieu thereof "the Auditor of Public Accounts shall be given notice of the intention of such corporation, association, company, co-partnership or individual."

(5) Page 3, sec. 5, lines 2 and 7, strike out "article" and insert "act."

(6) Page 3, sec. 6, line 4, after word "report" insert, "containing all the facts required to be reported.

(7) Page 4, sec. 7, line 5, after word "which" insert "before shipment into this State," and insert a comma after word "been" in line 5 and after "be" in line 6.

(8) Page 4, sec. 7, lines 9-10 strike out the words, "like product compounded, rectified, blended or adulterated" and insert in lieu thereof "compounders, rectifiers, blenders or adulterators of such spirits."

(9) Page 4, sec. 7, line 13, strike out "provision" and insert "section," and in line 17, strike out "this provision of."

Said amendments were agreed to.

Mr. Best offered the following amendment, viz.:

Strike out one and one-half cents and insert in lieu thereof two and one half cents.

Said amendment was disagreed to.

Mr. Drewry offered the following amendment to said bill, viz.:

Strike out one and one-half cents and insert in lieu thereof one-half cent.

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Drewry and Hannah were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| N. B. Chipman, | C. W. G. Hannah, | Ion B. Nall, |
| Thomas Drewry, | Wm. F. Klair, | W. W. Smith, |
| B. P. Grigsby, Sr., | Virgil McKnight, | James C. Yaden—11. |
| W. C. Halbert, | Chris Mueller, | |

Those who voted in the negative were—

| | | |
|---|---|---|
| J. M. Alverson, | Taylor P. Gabbard, | M. M. Redwine, |
| John Barr, | Lloyd W. Gates, | J. M. Robertson, |
| E. Barry, | W. J. Gooch, | Richard S. Rose, |
| W. G. Baxter, | A. J. Gorham, | S. M. Russell, |
| Charles C. Beard, | Paul Gullion, | Ed. H. Shellman, |
| Peter Best, Jr.. | James A. Hagan, | T. J. Slaton, |
| Joe F. Bosworth, | Albert Hamilton, | Emmet P. Slattery, |
| H. Kirby Bourne, | J. A. Hamon, | W. H. Southall, |
| M. F. Campbell, | D. C. Hopper, | Hub L. Stevens, |
| Bennett Clarke, | W. J. Jackson, | John A. Stevens, |
| J. W. Clay, | L. F. Johnson, | Zeb. A. Stewart, |
| W. D. Claybrooke, | W. H. Jones, | George W. Stone. |
| Sam. D. Cochran, | Geo. D. Litsey, | C. C. Terry, |
| W. H. Cole, | H. M. McCarty, | C. F. Thornton, |
| Ed. Croan, | Henry C. Miller, | W. T. White, |

| | | |
|---|---|---|
| Henry W. Curle, | R. W. Miller, | John B. Wicker, |
| Charles I. Dawson, | J. M. Mitchell, | Geo. S. Wilson, |
| A. L. Denny, | James S. Morris, | J. T. Wilson, |
| W. Reed Embry, | Ed. Mulcahy, | Munnell Wilson, |
| Robert Enlow, | Henry G. Overstreet, | W. T. Wright, |
| J. A. Frazier, | C. M. Paynter, | J. A. Yates, |
| M. T. Freeman, | John R. Ray, | Will A. Young—66. |

Mr. Arnett offered the following amendment to said bill, viz.:

Amend House Bill No. 3, by striking out sections 1 and 2 and inserting in their place the following:

Every corporation, association, company, co-partnership or individual in this State in the business or occupation of compounding, rectifying, adulterating or blending distilled spirits, known and designated as single stamp spirits, shall pay a license tax as follows: Each compounder, rectifier, adulterater or blender of distilled spirits whose production of compounded, rectified, adulterated or blended distilled spirits for the year ending June 30, 1906, has been 50,000 wine gallons or less, a license tax of $250, and no such license shall be issued for less than $250. Where the production of compounded, rectified, adulterated or blended distilled spirits for the year ending June 30, 1906, is more than 50,000 wine gallons or less than 100,000 wine gallons, a license tax of $500; where the production of such compounded, rectified, adulterated or blended distilled spirits for the year ending June 30, 1906, is more than 100,000 wine gallons and less than 200,000 wine gallons, license shall be $750.

| | | | | |
|---|---|---|---|---|
| 200,000 | to | 300,000 | wine gallons, license shall be..... | $1,000 00 |
| 300,000 | to | 400,000 | wine gallons, license shall be..... | 1,250 00 |
| 400,000 | to | 500,000 | wine gallons, license shall be..... | 1,500 00 |
| 500,000 | to | 600,000 | wine gallons, license shall be..... | 1,750 00 |
| 600,000 | to | 700,000 | wine gallons, license shall be..... | 2,000 00 |
| 700,000 | to | 800,000 | wine gallons, license shall be..... | 2,250 00 |
| 800,000 | to | 1,000,000 | wine gallons, license shall be..... | 2,500 00 |
| 1,000,000 | to | 1,250,000 | wine gallons, license shall be..... | 2,750 00 |
| 1,250,000 | to | 1,500,000 | wine gallons, license shall be..... | 3,000 00 |

To avoid any consolidation of two or more compounders, rectifiers, adulteraters or blenders of compounded, rectified, adulterated or blended distilled spirits, for the purpose of producing a larger amount of such compounded, rectified, adulterated or blended distilled spirits than 1,500,000 wine gallons for a maximum license of $3,000, any compounder, rectifier, adulterater or blender of compounded, rectified, adulterated or blended distilled spirtis whose production for the year ending June 30, 1906, or any year thereafter ending on that date, whose production of such compounded, rectified, adulterated or blended distilled spirits shall be in excess of 1,500,000 wine gallons, shall for this excess amount so produced pay an annual license tax of $500.00 for each 250,000 wine gallons or fractional part thereof.

It shall be the duty of each corporation, association, company, co-partnership or individual engaged in this State in the business or occupation of compounding, rectifying, adulterating or blending distilled spirits known and designated as single stamp spirits to make and deliver to the Auditor of Public Accounts on the 30th day of June, 1906, or within ten days thereafter, and at the end of each year thereafter, a report sworn to, stating his name, principal place of business and the number of wine gallons of compounded, rectified, adulterated, blended distilled spirits known and designated as single stamp spirits made during the year then ended and at the same time pay into the State Treasury, through the Auditor, the amount of taxes due the State as herein provided, imposed by the last preceding section.

Said amendment was disagreed to.

Mr. Ray offered the following amendment to said bill, viz.:

Strike out "one and one-half cents" and insert in lieu thereof "two cents."

Said amendment was disagreed to.

Ordered that said bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill, at length, being dispensed with, and the same being engrossed, said bill was read the third by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

J. M. Alverson,
John Barr,
E. Barry,
W. G. Baxter,
Peter Best, Jr.,
Joe F. Bosworth,
H. Kirby Bourne,
M. F. Campbell,
Bennett Clarke,
J. W. Clay,
W. D. Claybrooke,
Sam. D. Cochran,
W. H. Cole,
Ed. Croan,
Henry W. Curle,
Charles I. Dawson,
A. L. Denny,
Thomas Drewry,
W. Reed Embry,
Robert Enlow,
J. A. Frazier,
M. T. Freeman,
Taylor P. Gabbard,
Lloyd W. Gates,
W. J. Gooch,
A. J. Gorham,
B. P. Grigsby, Sr.,
Paul Gullion,
Albert Hamilton,
J. A. Hamon,
D. C. Hopper,
W. J. Jackson,
L. F. Johnson,
W. H. Jones,
Geo. D. Litsey,
H. M. McCarty,
Henry C. Miller,
R. W. Miller,
J. M. Mitchell,
James S. Morris,
Ed. Mulcahy,
Ion B. Nall,
Henry G. Overstreet,
C. M. Paynter,
John R. Ray,
M. M. Redwine,
J. M. Robertson,
S. M. Russell,
Ed. H. Shellman,
T. J. Slaton,
Emmet P. Slattery,
W. H. Southall,
Hub L. Stevens.
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
C. C. Terry,
C. F. Thornton,
W. T. White,
John B. Wicker,
Geo. S. Wilson,
J. T, Wilson,
Munnell Wilson,
Wm. Wilt,
J. Hal Woodford,
W. T. Wright,
J. A. Yates,
Will A. Young—68.

Those who voted in the negative were—

Louis W. Arnett,
Charles C. Beard,
N. B. Chipman,
Lawrence J. Diskin,
James A. Hagan,
W. C. Halbert,
C. W. G. Hannah,
Wm. F. Klair,
Virgil McKnight,
M. H. McLean,
Chris Mueller,
Richard S. Rose,
R. C. Simmons,
W. W. Smith,
James C. Yaden—15.

Resolved, That the title thereof be as aforesaid.

Mr. James S. Morris moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House then took a recess until 3:15 o'clock this afternoon.

## AFTERNOON SESSION.

At 3:15 o'clock p. m. the House reconvened.

The House took up for consideration from the orders of the day a bill, entitled

H. B. 1. An act to repeal and re-enact article 17 of an act, entitled An Act relating to revenue and taxation, approved March 15, 1906.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. REVENUE AGENTS—APPORTIONMENT AND TERM OF OFFICE—The Auditor of Public Accounts may appoint a revenue agent in each county of this Commonwealth, and may, in addition, appoint not exceeding four revenue agents for the State at large, whose term of office shall be the same as that of the Auditor, and expire at the same time, unless they or any of them are removed by him.

§ 2. OATH OF OFFICE—BOND REQUIRED—Before entering upon the discharge of the duties of office, such revenue agent shall take the oath required of other officers, and shall execute a bond to the Commonwealth of Kentucky, with good security, conditioned that such revenue agent will faithfully discharge the duties of his office; said bond of the revenue agent in each county to be approved by the county judge of said county, and the bond

of the revenue agent from the State at large, to be approved by the Auditor. The bond of the revenue agent from the State at large shall be filed and safely kept in the Auditor's office, and the bond of the revenue agent in each county shall be filed and safely kept in the county clerk's office for said county, and upon his bond the revenue agent and his sureties shall be jointly and severally liable for a breach thereof to the Commonwealth, county or person in interest.

§ 3. RENEWAL OF BOND—The bond shall be renewed every two years, or as often as the Auditor may require.

§ 4. POWERS AND DUTIES OF REVENUE AGENTS—It shall be the duty of the revenue agent, and the sheriff in each county shall have like power and authority as the revenue agent for said county, to cause to be listed for taxation all property omitted, by the assessor, board of supervisors, board of valuation and assessment or railroad commission, for any year or years. The officer proposing to have the property assessed shall file in the clerk's office of the county in which the property may be liable to assessment, a statement containing a description and value of the property proposed to be assessed and the value of the corporate franchise, if any, and the name and place of residence of the owner, his agent or attorney, or person in possession of the property, and the year or years for which the property is proposed to be assessed. The clerk of the court shall thereupon issue a summons against the owner to show cause before the next regular term of the county court, which does not commence within five days after service of such summons, why such property or corporate franchise, if any, shall not be assessed at the value named in the statement filed. The summons shall be executed by the sheriff of the county by delivering a copy thereof to the owner, if in the county; if not, then to his agent, attorney, or person in possession of the property. At the next regular term of the county court after the summons has been served five days, if it shall appear to the court that the property is liable for taxation, and has not been assessed, the court

shall enter an order fixing the value thereof at its fair cash value, estimated as required by law; if not liable for taxation, he shall make an order to that effect. The judgment of the court shall have the same force and effect as the judgment of the court in civil cases. Either party may appeal from a decision of the county court to the circuit court and then to the Court of Appeals, as in other civil cases, except that no appeal bond shall be required where, the appeal is by the revenue agent or sheriff. If the court shall decide that the property is liable to assessment, and has not been assessed, the clerk of the county court shall enter a judgment on a book kept for that purpose assessing said property and fixing the value thereof, and he shall certify the assessment of said property and its value, together with such other facts as may hereafter be required to appear in said judgment by this act, to the Auditor of Public Accounts, and likewise to the sheriff of the county, together with amount of penalty and costs of assessment, in order that the taxes due the Commonwealth and counties may be collected, with the penalties and cost. All persons owning property which may be assessed as herein provided shall, in addition to the taxes, pay the costs of the proceedings and a penalty of twenty per centum on the amount of the State and county taxes due, except where such property shall have been duly listed by the owner thereof. The taxes, costs and penalties shall be collected and accounted for as other taxes and penalties are required to be collected, and by the same officers. As compensation for his services in causing such property to be assessed, the officer filing the statement shall be entitled to the penalty of the twenty per centum, and the same shall be paid to him by the county tax collector collecting said county taxes and penalty thereon within thirty days after receiving same, and by the officer of the State collecting or receiving State taxes, within thirty days after receiving same. The county clerk shall enter all such assessments in said book to be kept for that purpose, showing the date of the assessment, the name of the person against whom the assessment is made, the location and

quantity of the property assessed, and the value thereof; and the officer collecting the taxes shall, when the same is paid, notify the clerk of its payment, which payment shall be noted by the clerk opposite the entry of such assessment.

§ 5. JURISDICTION OF REVENUE AGENTS.—The jurisdiction of the revenue agent for the county shall be limited to the assessment of property located within the county for which he may have been appointed, but the jurisdiction of the revenue agents for the State at large shall extend to the assessment of property within any county of this Commonwealth.

§ 6. DUTY OF COUNTY ATTORNEY—It shall be the duty of the county clerk, upon the filing of any statement by any officer for the assessment of omitted property, to enter the name of the county attorney for said county as attorney on behalf of the State and county, and it shall be the duty of said county attorney to appear and prosecute said proceedings in all the courts to which the same may be taken for trial. No compromise judgment, agreement for assessment or agreement as to the valuation of any omitted property, entered into between any revenue agent or sheriff with the owner of such property, shall be entered or made by the county court, except upon the written recommendation of the county attorney or Auditor filed of record in said proceedings, provided, said county attorney appeared and prosecuted in said proceedings. If there be a judgment assessing said property for taxation, said judgment in each case shall recite whether or not the county attorney was present and assisted in the trial of said proceeding, and when he is so present and assists in said proceeding he shall be allowed as compensation for his services five per centum of the amount of said State and county taxes, to be paid to him by the county and State within thirty days after the collection of said taxes.

§ 7. NOT PERMITTED TO COLLECT MONEY—No revenue agent shall be permitted to collect any moneys due either the State or any county without special written authority from the Auditor.

Should any such revenue agent violate the provisions of this section, he shall be deemed guilty of a misdemeanor and, upon indictment and conviction in the county in which said acts were done, he shall be subject to a fine of not less than one hundred dollars, nor more than five hundred dollars, and removal from office.

§ 8. DUTY TO REPORT VIOLATORS OF LICENSE LAW —He shall report to the Commonwealth's attorney, county attorney or grand jury all persons who may be guilty of violating the laws governing license taxes, and shall cause said offenders to be prosecuted; and in all cases where the person so reported or prosecuted shall be granted license, and shall pay the tax and penalty of twenty per cent., as imposed by law, the revenue agent who reports the offender, and who causes the payment of such license and penalty, shall be entitled to receive such penalty of twenty per cent. as compensation for his services.

§ 9. DUTY TO INVESTIGATE ACCOUNTS OF PUBLIC OFFICERS—It shall be the duty of the revenue agent, and he shall have the right, to investigate the accounts, books and records of all officers whose duty it may be to receive or collect money due the State or county, and report to the Auditor, from time to time, all delinquent officers and the amounts collected by them which they have failed to pay into the State Treasury; and such revenue agent shall, from time to time, report to the fiscal court of the county all delinquent officers, and the amounts owing by them to the county, if any, and he shall report all amounts which it was the duty of such officers to have collected and which they have failed to collect, and the person, or persons, owing the same. He shall report all excessive charges made by any such officer, and also those who have received or retained a greater sum for their services or the services of their deputies than is allowed by law, and all such other facts by which the State or county is being unlawfully deprived of any money, and any other facts touching the interest of the Commonwealth or county as he may deem important, or of which the Auditor or fiscal court of the county may require information.

§ 10. DUTY TO INVESTIGATE SUITS TO RECOVER MONEY—It shall be the duty of the revenue agent and he shall have authority when directed by the Auditor, to institute suits, motions or proceedings in the name of the Commonwealth against any delinquent officer or other person, to recover any money which may be due the Commonwealth; and, in all such suits, motions, or proceedings in which a judgment is recovered, the party in default shall, in addition to the amount for which he is liable to the State, be adjudged to pay a penalty of twenty per cent. on the amount due; and the revenue agent who prosecutes such action and recovers the amount due the Commonwealth shall be entitled to receive said penalty for his services. The penalties herein provided for shall not be in addition to the penalties in actions in the name of the Commonwealth prosecuted by the county attorney or other attorneys for the Commonwealth.

§ 11. COMMONWEALTH NOT LIABLE FOR COSTS—The Commonwealth shall not be liable for or pay any costs on any action or proceeding instituted by any revenue agent, or sheriff, nor shall it be liable for or pay any sum to a revenue agent or sheriff for any services as such except out of the amounts which may be collected as penalties, in cases prosecuted by such officers under this article.

§ 12. DUTY OF AUDITOR TO COLLECT BACK TAXES—POWER TO DIRECT REVENUE AGENTS—It shall be the duty of the Auditor of Public Accounts to diligently prosecute the collection of all back taxes, license fees, judgments or other moneys, claims or demands due the Commonwealth from any corporation, association, firm, companies or individuals, and he shall have the power to direct revenue agents in the various counties or from the State at large to prosecute the collection of all delinquent taxes, taxes on omitted property of delinquents, license fees or omitted license or franchise tax of any corporation or association due the State, for which services the revenue agent shall be entitled to the fees prescribed in the preceding sections of this article. Should any life insurance company, fire insurance company, casualty com-

pany, marine insurance, or security, or indemnity company, be in debt to the State for back taxes, or should any of such companies fail to pay into the State Treasury the correct amount of taxes due the State, the Auditor shall cause an investigation to be made of their books and accounts, and employ such expert accountants as he may deem necessary for such work. The expenses of such accountant and other expenses of such examination shall be paid by the delinquent companies, and in no event shall the State be liable for any expense incurred in such examination.

§ 13. Where property is assessed in bulk and no itemized statement as provided in the schedule set out in this act of the kind, quantity or amount of such property is stated as required by law in the assessment made; thence, if any, such property shall be deemed omitted property, to the extent that the assessed value thereof is less than the fair cash value estimated as required by law.

Mr. Drewry offered the following amendment to said bill, viz.:

Move to amend House Bill No. 1 by striking out section 1 thereof and substituting in lieu thereof the following section:

§ 1. The Auditor of Public Accounts may appoint a revenue agent in each county of this Commonwealth and may, in addition, appoint not exceeding four revenue agents for the State at large, whose term of office shall be the same as that of the Auditor, and expire at the same time, unless they or any of them are removed by him. If any revenue agent for the State at large, now in office, should be removed by the Auditor, he shall have the right to prosecute to a final determination all actions instituted by him prior to March 15, 1906.

Said amendment was agreed to.

Mr. Simmons offered the following amendment to said bill, viz.:

Amend section 6 by striking out the word "five," in the 18th line thereof, and by substituting therefor the word "fifteen."

Said amendment was agreed to.

Mr. Chipman offered the following amendments to said bill, viz.:

Page 3, line 15, insert "ten days" instead of "five days." Also, on same page, line 21, insert "ten days" instead of "five days."

Page 8, section 13, all of said section be stricken off.

Said amendments were agreed to.

Mr. Chipman offered the following amendment to said bill, viz.:

Page 7, section 11, end of line 6, add the following: "Revenue agent or sheriff and their bondsmen shall be bound for cost in all cases they fail to secure judgment therein."

Mr. Chipman offered the following amendment to said bill, viz.:

Strike out the following words in section 13, page 8, all of that section, and insert the following: "Such property shall be deemed omitted property. Whenever any property has been duly assessed by the assessor and passed upon by the county tax supervisors and the value thereof fixed for the purpose of taxation, the Auditor's agent shall have the right to bring an action in the county court in the name of the Commonwealth to have such property re-valued, and shall have the right to dismiss said action when it shall be shown to his satisfaction that such property was previously valued sufficiently high."

Mr. Bourne offered the following amendment to said bill, viz.:

Amend section 4, lines 29 and 30, by striking out the following words, "except that no appeal bond shall be required when the appeal is by the revenue agent or sheriff."

Mr. Bourne offered the following amendment to said bill, viz.:

Amend section 4, lines 42 and 48, by striking out "twenty" and inserting in lieu thereof "ten."

Mr. Bourne offered the following amendment to said bill, viz.:

Amend by striking out of section 4, line 15, the word "five" and inserting in lieu thereof the word "ten."

Mr. McLean offered the following amendment to said bill, viz.:

Amend H. B. 1 by striking therefrom all of section 13.

Mr. Shellman offered the following amendment to said bill, viz.:

Amend by adding after the word "effect," in line 25 of section 4, the following, "and if the court be of opinion that there were no reasonable or probable grounds for instituting the proceedings, it shall so state in its order, and thereupon the agent or sheriff instituting said proceedings shall be liable upon his official bond for the cost, legal and extraordinary, incurred by the defendant in defending such proceeding, and this shall apply to any court to which such proceeding is taken."

Mr. James S. Morris offered the following amendments to said bill, viz.:

1. Amend section 2 by inserting in line 7, after the word "to" and before the word "stating," the following "upon blanks to be furnished by the Auditor."

2. And in line 10, after the word "ended" and before the word "and," insert the following "and such other information as the Auditor may require."

3. Amend section 6, line 4, by inserting after the word "report" and before the word "and," the following, "covering the facts required to be reported."

Mr. James S. Morris offered the following amendment to said bill, viz.:

§ 14. If any corporation, association, firm, individual, life insurance company, or other company shall owe delinquent taxes, taxes on omitted property or property not assessed, license fees, or other taxes or fees, on property or business located in more than one county of this State, said revenue agents for the State at large may,

with the consent of the Auditor, file in the county court clerk's office, in the county where any portion of said property is located, a statement containing a description of the whole of said property or business situated in this State on which taxes are due, or on which assessments have been omitted, on which taxes or fees are sought to be recovered, the amount due thereon, including penalties and costs and the years for which said taxes or fees are sought to be recovered, and on the filing of said statement, said action shall proceed in the same manner and form provided in section 4 of this act, and in such proceeding a recovery may be had for the whole amount of taxes or fees, together with the penalties and costs thereon, due the State on all of said property located in this State, or on all of said property or business described in said statement located in this State.

Mr. Dawson offered the following amendment to said bill, viz.:

Amend by adding after the word "assessed," in line 13, page 3, the following words: "The description contained in said statement shall be sufficiently accurate to enable the judge to identify the property sought to be assessed."

Mr. Ray offered the following amendment to said bill, viz.:

Amend section 1 by striking out, "appoint a revenue agent in each county in this Commonwealth, and may in addition."

Mr. Cates offered the following amendment to said bill, viz.:

Amend section 6, page 5, by striking out of lines 12 and 13 the words "or Auditor," and the words "provided said county attorney appeared and prosecuted in said proceedings."

Mr. Klair moved that said bill and all amendments lie on the table.

Said motion was agreed to.

Mr. Klair moved that the vote by which said bill and amendments

were laid on the table be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Johnson and Klair were as follows, viz.:

Those who voted in the affirmative were—

Louis W. Arnett,
E. Barry,
W. G. Baxter,
Charles C. Beard,
B. O. Becker,
Peter Best, Jr.,
Joe F. Bosworth,
H. Kirby Bourne,
M. F. Campbell,
N. B. Chipman,
Bennett Clarke,
J. W. Clay,
Sam. D. Cochran,
H. K. Cole,
W. H. Cole,
Ed. Croan,
Henry W. Curle,
A. L. Denny,
Thomas Drewry,
J. A. Frazier,
M. T. Freeman,
Taylor P. Gabbard,
A. J. Gorham,
John C. Griffith,
B. P. Grigsby, Sr.,
Paul Gullion,
Albert Hamilton,
J. A. Hamon,
C. W. G. Hannah,
D. C. Hopper,
W. J. Jackson,
Wm. F. Klair,
H. M. McCarty,
Virgil McKnight,
M. H. McLean,
R. W. Miller,
Ed. Mulcahy,
Henry G. Overstreet,
C. M. Paynter,
John R. Ray,
Richard S. Rose,
Ed. H. Shellman,
R. C. Simmons,
W. W. Smith,
Hub L. Stevens,
C. C. Terry,
Harry Weitkamp,
W. T. White,
Wm. Wilt,
J. Hal Woodford,
James C. Yaden,
J. A. Yates—52.

Those who voted in the negative were—

J. M. Alverson,
John Barr,
W. D. Claybrooke,
Charles I. Dawson,
Lawrence J. Diskin,
Lloyd W. Gates,
W. J. Gooch,
James A. Hagan,
L. F. Johnson,
Geo. D. Litsey,
Henry C. Miller,
J. M. Mitchell,
James S. Morris,
Ion B. Nall,
M. M. Redwine,
J. M. Robertson,
S. M. Russell,
T. J. Slaton,
W. H. Southall,
John A. Stevens,
Zeb. A. Stewart,
George W. Stone,
C. F. Thornton,
John B. Wicker,
Geo. S. Wilson,
J. T. Wilson,
Munnell Wilson,
W. T. Wright—28.

And then the House adjourned until 10:30 o'clock to-morrow morning.

## FRIDAY, MARCH 23, 1906.

The House opened with prayer by the Rev. T. F. Taliaferro, of the Methodist Episcopal Church, South.

The reading of the Journal of yesterday's proceedings was dispensed with and the same was approved.

A message was received from the Senate announcing that they had adopted a resolution, entitled

S. Res. 1. Resolution for the benefit of the Custodian of Public Buildings.

Said resolution was read and ordered to lie over.

Mr. Johnson offered the following resolution, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the sum of $2 per day be, and is hereby, appropriated and allowed John Dean for services in carrying record books for the clerks of the Senate and House of Representatives to and from the offices of said clerks during the present session.

2. Whereas, Said Dean needs the wages due him for this labor, as it is earned for his support, an emergency exists and this resolution shall take effect upon its adoption.

Said resolution was read and ordered to lie over.

Leave of absence for an indefinite length of time was granted Messrs. Jackson, Dawson, Gabbard, Head, Rose and Russell.

And then the House adjourned until 11:00 o'clock to-morrow morning.

SATURDAY, MARCH 24, 1906.

The House opened with prayer by the Rev. J. O. A. Vaught, of the M. E. Church, South.

The reading of the Journal of yesterday's proceedings was dispensed with and the same was approved.

A message was received from the Senate, announcing that they had passed a bill, which originated in the House of Representatives, entitled

H. B. 3. An act relating to revenue and taxation providing for license, taxes on compounded, rectified, adulterated or blended distilled spirits, known and designated as single stamp spirits, and providing penalties for violations of its provisions.

With an amendment thereto.

(For bill see House Journal of March 22d.)

Said amendment is as follows, viz.:

Amend by striking out of line 5, section 1, the words "and one-half."

Mr. Thornton moved that the House refuse to concur in said amendment.

Said motion was agreed to.

Mr. Redwine moved that a committee be appointed to notify the Senate of the action of the House with reference to said bill and amendment.

Said motion was agreed to.

Thereupon the Speaker appointed Messrs. Redwine, Hammond and Gates as said committee.

Mr. Gates moved that the vote by which the House refused to

concur in the amendment, as proposed by the Senate to the above mentioned bill, be reconsidered.

Said motion was disagreed to.

Mr. Redwine, of the committee mentioned above, reported that the committee had performed its duties.

Mr. Gates moved that the roll of the House be called in order to ascertain whether or not a quorum be present.

Said motion was disagreed to.

Mr. Stewart moved that the House do now adjourn until Monday next.

Said motion was disagreed to.

Mr. Gooch moved that the House do now take a recess until 2:30 o'clock this afternoon.

Said motion was agreed to.

## AFTERNOON SESSION.

At 2:30 o'clock p. m., the House reconvened.

A message was received from the Senate, announcing that they had refused to recede from the amendment heretofore proposed by them to a bill which originated in the House, entitled

H. B. 3. An act relating to revenue and taxation, providing for license taxes on compounded, rectified, adulterated or blended distilled spirits, known and designated as single stamp spirits, and providing penalties for violations of its provisions, and asked that a committee of three be appointed by the House to confer with a like committee to be appointed by the Senate, to take into consideration and settle the matters of disagreement between the two Houses relative to the above named bill.

Mr. Gates moved that the roll of the House be called to ascertain whether or not a quorum be present.

Said motion was disagreed to.

Mr. Redwine moved that a committee of three be appointed by the Speaker to confer and act with a similar committee to be asked for by the House and to be selected by the Senate to take into consideration and settle the matters of disagreement between the two House relative to the above named bill.

Said motion was agreed to.

Thereupon the Speaker appointed Messrs. Young, Johnson and Robertson as said committee or conferees. And said committee or conferees were instructed to notify the Senate of the action of the House relative thereto and to ask of the Senate the appointment by them of a similar committee or conferees.

Mr. Johnson offered the following resolution, viz.:

Resolution for the benefit of John Dean.

Be it resolved by the House of Representatives, That the sum of one dollar per day be allowed to John Dean for carrying the record books and other papers of the clerks to and from the House during the present extra session of the General Assembly, the same to be allowed as part of the contingent expenses of said House, and the Auditor of Public Accounts is hereby directed to draw his warrant upon the Treasurer in favor of said John Dean, when the same is certified to him by the clerk of the House.

Said resolution was agreed to.

Mr. Terry offered the following resolution, viz.:

Whereas, James E. Stone, chief clerk, Marion F. Pogue, assistant clerk, and Miss Amy V. Lyon, enrolling clerk of the House of Representatives, have with courtesy, promptness and fidelity discharged their whole duty so efficiently during both the regular and

called sessions of the House of Representatives for the year 1906; therefore,

Be it resolved by the House, That, in appreciation of the services so faithfully and efficiently performed, we graciously tender to each our sincerest thanks, and wishing the future may hold for each a bright, prosperous and happy life.

2d. That in recognition of the efficient, polite and thoughtful service rendered by the doorkeepers, sergeant-at-arms, cloak-room keepers, pages, messengers and other attendants upon this body, the House of Representatives tenders by this resolution its highest regards for their untiring zeal, attention and services so faithfully rendered, wishing each a reasonable reward of honor for meritorious work so ably and successfully performed.

3d. Resolved, That these resolutions be spread of record upon the Journal of the House.

Said resolution was agreed to.

And then the House adjourned.

## MONDAY, MARCH 26, 1906.

The House opened with prayer by the Rev. J. O. A. Vaught, of the M. E. Church, South.

The reading of the Journal of Saturday's proceedings was dispensed with and the same was approved.

Mr. Redwine called up for consideration from the clerk's desk a resolution, entitled

S. Res. 1. Resolution for the benefit of the Custodian of Public Buildings.

Said resolution was concurred in.

Mr. Young, of the conferees appointed by the House to take

into consideration and settle the matters of disagreement between the two Houses relative to a bill, entitled

H. B. 3. An act relating to Revenue and Taxation providing for license taxes on compounded, rectified, adulterated or blended distilled spirits, known and designated as single stamp spirits, and providing penalties for violations of its provisions, offered the following report, viz.:

To the Senate and House of Representatives:

We the undersigned conferees appointed by the Senate and House of Representatives to take into consideration and settle the matters of disagreement between the two Houses relative to a bill, entitled

H. B. 3. An Act relating to Revenue and Taxation, providing for license taxes on compounded, rectified, adulterated or blended distilled spirits, known and designated as single stamp spirits, and providing penalties for violations of its provisions, respectfully submit the following report.

We recommend and agree that the bill as passed by the House and amended and passed by the Senate be now amended by striking out "one and one-half" in line 5 of section one, and inserting "one and one-fourth," and that said bill as thus amended be passed.

March 26, 1906.

H. S. McNUTT,
C. E. DE HAVEN,
LABAN PHELPS,
Conferees on part of Senate.

WILL A. YOUNG,
J. M. ROBERTSON,
L. F. JOHNSON,
Conferees on part of House of Representatives.

The question being taken upon the adoption of said report, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Cates and Head were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | A. J. Gorham, | J. M. Robertson, |
| John Barr, | W. C. Halbert, | S. M. Russell, |
| E. Barry, | Albert Hamilton, | Ed. H. Shellman, |
| Joe F. Bosworth, | J. A. Hamon, | T. J. Slaton, |
| H. Kirby Bourne, | D. C. Hopper, | W. H. Southall, |
| Bennett Clarke, | L. F. Johnson, | A. J. Thompson, |
| H. K. Cole, | Geo. D. Litsey, | T. A. Weldon, |
| Ed. Croan, | H. M. McCarty, | W. T. White, |
| Henry W. Curle, | Henry C. Miller, | John B. Wicker, |
| Thomas Drewry, | J. M. Mitchell, | Geo. S. Wilson, |
| Robert Enlow, | James S. Morris, | W. T. Wright, |
| J. A. Frazier, | Henry G. Overstreet, | Will A. Young, |
| W. J. Gooch, | M. M. Redwine, | Speaker Lawrence—39 |

Those who voted in the negative were—

| | | |
|---|---|---|
| J. M. Alverson, | M. T. Freeman, | John R. Ray, |
| B. O. Becker, | Taylor P. Gabbard, | J. T. Scott, |
| Peter Best, Jr., | Lloyd W. Gates, | Emmet P. Slattery, |
| J. C. Byland, | H. H. Griffin, | W. W. Smith, |
| W. T. Cain, | John C. Griffith, | John A. Stevens, |
| M. F. Campbell, | Paul Gullion, | Zeb. A. Stewart, |
| N. B. Chipman, | C. W. G. Hannah, | George W. Stone, |
| W. D. Claybrooke, | L. P. Head, | C. C. Terry, |
| Sam. D. Cochran, | W. J. Jackson, | C. F. Thornton, |
| W. H. Cole, | W. H. Jones, | Harry Weitkamp, |
| Charles I. Dawson, | V. W. Morris, | J. T. Wilson, |
| A. L. Denny, | Ed. Mulcahy, | Wm. Wilt, |
| Lawrence J. Diskin, | Ion B. Nall, | J. Hal Woodford, |
| W. Reed Embry, | C. M. Paynter, | James G. Yaden—42. |

And so said report was disagreed to.

Mr. Gooch moved that the House take a recess until three o'clock this afternoon.

Said motion was agreed to.

AFTERNOON SESSION.

At 3:00 o'clock p, m., the House reconvened.

Mr. Stewart moved that the vote by which the House refused to adopt the report of the conferees relative to a bill entitled

H. B. 3. An act relating to Revenue and Taxation, providing for license taxes on compounded, rectified, adulterated or blended distilled spirits, known and designated as single stamp spirits, and providing penalties for violations of its provisions be reconsidered.

The yeas and nays being required thereon by Messrs. Alverson and McLean, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| Louis W. Arnett, | D. C. Hopper, | Ed. H. Shellman, |
| John Barr, | W. J. Jackson, | R. C. Simmons, |
| E. Barry, | L. F. Johnson, | T. J. Slaton, |
| Peter Best, Jr., | Geo. D. Litsey, | Emmet P. Slattery, |
| Roger P. Blair, | H. M. McCarty, | W. H. Southall, |
| Joe F. Bosworth, | M. H. McLean, | Zeb. A. Stewart, |
| H. Kirby Bourne, | Henry C. Miller, | George W. Stone, |
| J. C. Byland, | R. W. Miller, | C. C. Terry, |
| Ed. Croan, | J. M. Mitchell, | A. J. Thompson, |
| Henry W. Curle, | James S. Morris, | C. F. Thornton, |
| Thomas Drewry, | Ion B. Nall, | T. A. Weldon, |
| Robert Enlow, | Henry G. Overstreet, | W. T. White, |
| J. A. Frazier, | John R. Ray, | John B. Wicker, |
| Taylor P. Gabbard, | M. M. Redwine, | Geo. S. Wilson, |
| W. J. Gooch, | J. M. Robertson, | Wm. Wilt, |
| A. J. Gorham, | S. M. Russell, | W. T. Wright, |
| Paul Gullion, | J. T. Scott, | Will A. Young—52. |
| J. A. Hamon, | | |

Those who voted in the negative were—

| | | |
|---|---|---|
| J. M. Alverson, | A. L. Denny, | Virgil McKnight. |
| B. O. Becker, | Lawrence J. Diskin, | V. W. Morris, |
| W. T. Cain, | W. Reed Embry, | Ed. Mulcahy, |

| | | |
|---|---|---|
| M. F. Campbell, | Lloyd W. Gates, | C. M. Paynter, |
| N. B. Chipman, | H. H. Griffin, | W. W. Smith, |
| Bennett Clarke, | John C. Griffith, | John A. Stevens, |
| W. D. Claybrooke, | W. C. Halbert, | Harry Weitkamp, |
| Sam. D. Cochran, | Albert Hamilton, | J. T. Wilson, |
| H. K. Cole, | C. W. G. Hannah, | J. Hal Woodford, |
| W. H. Cole, | L. P. Head, | James G. Yaden—38. |
| Charles I. Dawson, | W. H. Jones, | |

Said report of the conferees was then adopted.

And said bill as amended was then passed.

The yeas and nays being taken on the passage of said bill, as amended in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

| | | |
|---|---|---|
| J. M. Alverson, | W. J. Gooch, | M. M. Redwine, |
| John Barr, | A. J. Gorham, | J. M. Robertson, |
| E. Barry, | Paul Gullion, | S. M. Russell, |
| Peter Best, Jr., | J. A. Hamon, | J. T. Scott, |
| Roger P. Blair, | D. C. Hopper, | Ed. H. Shellman, |
| Joe F. Bosworth, | W. J. Jackson, | T. J. Slaton, |
| H. Kirby Bourne, | L. F. Johnson, | W. H. Southall, |
| J. C. Byland, | W. H. Jones, | Zeb. A. Stewart, |
| W. D. Claybrooke, | Geo. D. Litsey, | George W. Stone, |
| Sam. D. Cochran, | H. M. McCarty, | C. C. Terry, |
| H. K. Cole, | Henry C. Miller, | A. J. Thompson, |
| Ed. Croan, | R. W. Miller, | C. F. Thornton, |
| Henry W. Curle, | J. M. Mitchell, | T. A. Weldon, |
| Charles I. Dawson, | V. W. Morris, | W. T. White, |
| Thomas Drewry, | James S. Morris, | John B. Wicker, |
| Robert Enlow, | Ion B. Nall, | Geo. S. Wilson, |
| J. A. Frazier, | W. J. Osborne, | Wm. Wilt, |
| M. T. Freeman, | Henry G. Overstreet, | W. T. Wright, |
| Taylor P. Gabbard, | John R. Ray, | Will A. Young—57. |

Those who voted in the negative were—

| | | |
|---|---|---|
| Louis W. Arnett, | Albert Hamilton, | Emmet P. Slattery, |
| N. B. Chipman, | C. W. G. Hannah, | W. W. Smith, |

| | | |
|---|---|---|
| Bennett Clarke, | L. P. Head, | John A. Stevens, |
| W. H. Cole, | Virgil McKnight, | Harry Weitkamp, |
| Lawrence J. Diskin, | M. H. McLean, | J. T. Wilson, |
| W. Reed Embry, | Ed. Mulcahy, | J. Hal Woodford, |
| Lloyd W. Gates, | C. M. Paynter, | James C. Yaden—23. |
| H. H. Griffin, | R. C. Simmons, | |

Mr. Head offered the following resolution, viz.:

Be it resolved by the House of Representatives, That, whereas, the sergeant-at-arms of this House has been to expense to the amount of $4.75 for sending telegrams to members absent from this called session, therefore, be it resolved

That said sum be and is hereby declared to be a contingent expense of this House and the Auditor is hereby empowered to issue his warrant for same upon presentation of a certified copy of this resolution.

Said resolution was agreed to.

A message was received from the Senate announcing that they had concurred in the adoption of the report of the conferees relative to a bill, entitled

H. B. 3. An act relating to revenue and taxation, providing for license taxes on compounded, rectified, adulterated or blended distilled spirits, known and designated as single stamp spirits, and providing penalties for violations of its provisions.

And that they had passed said bill as amended.

That they had adopted the following resolution, viz.:

Be it resolved by the Senate, the House of Representatives concurring, that the Legislature of Kentucky now in session stand adjourned sine die at 6 o'clock p. m. on this March 26, 1906.

Said resolution was taken up for consideration and concurred in.

Mr. Nall, of the Committee on Enrollments, reported that they

had examined and found correctly enrolled a bill and joint resolution of the following titles, viz.:

H. B. 3. An act relating to revenue and taxation, providing for license taxes on compounded, rectified, adulterated or blended distilled spirits, known and designated as single stamp spirits, and providing penalties for violations of its provisions.

S. Res. 1. Resolution for the benefit of the Custodian of Public Buildings.

Thereupon all other business was suspended and said bill and joint resolution were severally read at length and examined in open session.

And, being found correctly enrolled, the Speaker, in open session, in presence of the House, affixed his signature thereto.

Ordered that the enrolling clerk deliver same to the Senate.

After a time, the enrolling clerk delivered the above named bill which originated in the House to the chief clerk of the House.

Ordered that said chief clerk deliver same to the Governor.

After a time, said chief clerk reported that he had discharged that duty.

Mr. McKnight moved that a committee be appointed to act with a similar committee on part of the Senate to notify the Governor that the two Houses had completed the business of this called session, as indicated by him in proclamation, and to ask him if he had any further communication to make to them.

Said motion was agreed to.

Thereupon the Speaker appointed Messrs. Gooch, McKnight, Klair, Curl and Thornton as said committee.

Said committee retired and, after a time, returned and Mr. Gooch of said committee reported that they had performed that duty.

That the Governor had desired them to inform the General Assembly that he had no further official communication to make to them; that he extended his congratulations to them for the prompt and efficient manner in which they had disposed of the business laid out for them; that he wished them each and all a safe return to their homes and a happy and prosperous future.

And then the House adjourned sine die.

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